

TOWN CLERK
PLAINVILLE
RECEIVED

TOWN OF PLAINVILLE PLANNING BOARD
CERTIFICATE OF ACTION FOR A2 CHESTNUT STREET LLC
19 CHESTNUT STREET, PLAINVILLE, MA

2025 OCT -7 AM 9:03

SPECIAL PERMIT FOR THREE LOT RESIDENTIAL CLUSTER DEVELOPMENT AND RECISSION OF
DEFINITIVE SUBDIVISION

10/06/2025

Site & Procedural Information

Project Name: Chestnut Street Development
19 Chestnut Street, Plainville, MA

Applicant: MP Design Consultants
118 Turnpike Road, Suite 200
Southborough, MA 01772

Owner: A2 Chestnut Street LLC
19 Chestnut Street
Plainville, MA 02762

Property Location: Assessors Map 5 Parcels 214, 215, 216, 217, 218, 219
Deed Reference: Book 14330 Page 578

Engineer: MP Design Consultants
118 Turnpike Road, Suite 200
Southborough, MA 01772

Surveyor: PFS Land Surveying
20 Balch Ave
Groveland, MA 01834

Zoning District: RA – Single Family Residential District

Permits Sought: Special Permit for Earth Removal (§500-21 & 34)
Special Permit for Residential Cluster (§500-22)

Dates: Submittal: 01/13/2025
Advertising: 01/20/2025 & 01/27/2025
Public hearings: 02/03/2025 (Open hearing - Testimony taken – Continued)
03/31/2025 (No testimony taken – Continued)
04/17/2025 (No testimony taken – Continued)
07/21/2025 (No testimony taken – Continued)

08/18/2025 (No testimony taken – Continued)
 09/03/2025 (No testimony taken – Continued)
 09/15/2025 (No testimony taken – Continued)
 10/06/2025 (Testimony taken – Closed)

Submittal Information:

- a. Letter from Zoe Chang of MP Design Consultants (MPDC) dated 01/13/2025 with application narrative.
- b. Form L: Application for Development Permit for Site Plan Review (§500-39) filed with the Town Clerk on 01/13/2025.
- c. Form M: Application for Special Permit for Earth Removal (§500-21), Residential Cluster Development (§500-22), Groundwater Protection (§500-36) & Community and Water Resource Protection (§500-37) filed with the Town Clerk on 01/13/2025.
- d. Certified abutters list, Town of Plainville.
- e. Certified abutters list, Town of Wrentham.
- f. Copy of Deed Book 42188, Pages 319-322.
- g. Plans entitled “A2 Chestnut Street LLC, Chestnut Street Development” by MPDC dated 01/13/2025.
- h. Booklet entitled “Stormwater Management Report” by MPDC dated 01/13/2025.
- i. Letter from Amer Taj and Aref Shehadeh (A2 Chestnut Street) requesting conditional recission of subdivision, dated April 2, 2025.
- j. Peer review letter from Graves Engineering dated 03/19/2025.
- k. Revised plan set, revised 06/09/2025, by MPDC.
- l. Timeline extension form for public hearing dated 07/17/2025.
- m. Peer review letter from Graves Engineering dated 07/21/2025.
- n. Timeline extension form for public hearing dated 08/07/2025.
- o. Revised Stormwater Management Report by MPDC dated 08/01/2025.
- p. Timeline extension form for public hearing dated 09/03/2025.
- q. Peer review letter from Graves Engineering dated 09/12/2025.
- r. Wastewater disposal system plan sets for lots 1, 2, and 3, dated 07/01/2025 and revised on 09/11/2025.
- s. Timeline extension form for public hearing dated 09/15/2025.
- t. Environmental Health Impact Permit granted by Plainville Board of Health, dated 09/24/2025.

Background

The Applicant is proposing to construct a three-lot, single family residential cluster development on Chestnut Street. The land was previously approved as a definitive subdivision called “Chestnut Hill Estates” in 1986. The applicant has petitioned for the subdivision to be rescinded, in accordance with section 81-W of MGL Chapter 41 Subdivision Control Law, contingent upon approval of the Residential Cluster, which will take its place. Frontage will be located on Chestnut Street and can be reduced to 80.00 feet from 225.00 feet under the provisions of Plainville General Code (PGC) §500-22(D)(3). Each new lot will have driveway access from the

existing road at Chestnut Street. A fourth lot will contain 17.61 acres of open space that will be deed-restricted to conservation and donated to the Town of Plainville, c/o Plainville Conservation Commission, as required under PGC §500-22(C)(1). The open space is not accessible via Chestnut Street but can be accessed by the public via abutting Town-owned land. The engineering design was peer reviewed by Graves Engineering.

General Findings

1. The site lies in the RA Zoning District. Single family homes are allowed "by right" in the RA zone.
2. The site lies within the Groundwater Protection District (GPD), but the Special Permit is not required because the project does not exceed the thresholds listed in PGC §500-36(H). The proposed impervious lot area calculations for each lot are as follows:
 - a. Lot 1: 7,417 Sq. Ft. (6.61%)
 - b. Lot 2: 7,392 sq. ft. (5.15%)
 - c. Lot 3: 4,497 sq. ft. (2.54%)
 - d. Lot 4: 0 sq. ft. (0%)
3. The Special Permit under Plainville General Code (PGC) §500-22 is required since the site is being permitted as a "residential cluster development".
4. The Special Permit for Earth Removal is required since the project meets none of the exemptions listed under PGC §500-34(B).
5. The Special Permit under Community and Water Resource Protection was applied for, but is not required, since the project does not exceed the thresholds listed in PGC §500-37(C).
6. The Development Permit under Site Plan Review was applied for, but is not required, since the project does not exceed the thresholds listed in PGC §500-39(B).
7. The submitted plans show a conceptual layout of the three houses and the limit of clearing and grading required on each lot. Care needs to be taken in cluster developments to ensure the protection of wooded areas, and it is expected that detailed design plans will be submitted for each house lot, once final lot designs are completed, that will show reasonable compliance with the amount of disturbance shown on the special permit plan set.
8. The Board has utilized the previously approved "Chestnut Hill Estates" subdivision to determine the comparative impacts between the three-lot cluster development and the "by right" development that could occur under the subdivision. The plan as presented saves significantly more open space land that is of vital environmental importance, due to the abutting Town of Plainville and Amber Fields open space lands.
9. A peer review of the engineering design has been performed by Graves Engineering, and all work was found to conform to local and state design standards.
10. Health: An Environmental Health Impact Permit from the Plainville Board of Health was granted on 9/24/2025.
11. Wetlands: An Order of Conditions was granted by the Plainville Conservation Commission on 09/24/2025.
12. Water: Water will be by private wells.
13. Sewer: Sewage disposal will be by private on-site, subsurface disposal systems.
14. Stormwater: A Land Disturbance Permit was granted by the Plainville Conservation Commission on 09/24/2025.

15. Neighborhood impacts: The cluster development has been designed to minimize neighborhood impacts. The Board has compared the impacts to those that could be expected from "by right" subdivision development and found the cluster option to be preferable. The cluster option preserves far more open space, allows the buildings to be set back from Chestnut Street, and provides greater vegetated buffering. The effect on the neighborhood from lighting, odors, smoke, noise, sewage, refuse and visual impacts will be far less than those from a conventional subdivision. Stormwater runoff has been peer reviewed and shown to have no negative impacts on the neighborhood.
16. The proposed use, as conditioned, is not noxious, harmful or hazardous, is socially and economically desirable, meets an existing or potential need to provide housing and is compatible with the character of the immediate neighborhood. The advantages of the proposed use, as conditioned, outweigh any detrimental effects, and such detrimental effects on the neighborhood and the environment will not be greater than could be expected from development which could occur if the special permits were denied.
17. The granting of the Special Permit for Earth Removal fulfills the requirements of, and is in harmony with, the By-Law, will not be harmful and will not negatively impact the neighborhood as conditioned because the work is less excessive than could be expected in a conventional subdivision development and the work will be conducted in accordance with specific conditions set forth herein. For those reasons, the granting of this Special Permit outweighs any potential detrimental effects on the surrounding neighborhood.

Conditions of Approval

Administrative Conditions

1. The provisions of this permit shall be binding upon the Applicant and its successors and assigns, and the authorizations and obligations hereunder shall run with the land. Thereafter, any instrument for sale or transfer of rights or interest in all or any part of the site shall reference this Special Permit and shall include a notice that the successors are bound to its terms and conditions.
2. All work shall be in substantial conformance with the latest submitted plans and information listed above. No alterations or changes to this Special Permit shall be made without the written request to, and approval by, the Board. The Board shall decide if the modification request(s) warrants a public hearing prior to acting on any request.
3. The Board has reviewed and approved each final house lot design plan as shown on the special permit plan set. No lot disturbance shall be allowed outside of those approved areas without additional approval from the Board.
4. The limit of work lines shown on the plans required in Condition #3 shall be staked on-site and clearly marked prior to the start of any site work. The line shall be clearly visible to contractors to prevent unnecessary tree clearing and land disturbance. The line shall be inspected by the Planning Department prior to the start of work, and, if needed, an as-built plan of the limit of work line shall be provided by a licensed professional to ensure compliance with the design plans.

5. Lots 1, 2 & 3 are subject to all conditions listed herein, and to all the requirements of PGC §500-22.
6. Prior to the endorsement of the site plan, the following shall be complete:
 - a. Final revised plans, with a revised plan set date, incorporating all conditions and changes listed herein shall be stamped by the appropriate professional engineers and/or land surveyors and submitted to the Board. A block for Planning Board endorsement shall be placed on the cover sheet.
 - b. All outstanding invoices for consulting or other services shall be paid in full. Any outstanding invoices not paid will void the approval of the application.
7. The owner shall submit three (3) full sized copies, three (3) 11" by 17" copies and a pdf electronic file of the endorsed site plans and all final submittal documents to the Planning Board.
8. All applicable laws, by-laws, rules, regulations, and codes shall be complied with, and all necessary permits and approvals shall be obtained by the Owner/Applicant.
9. Approval of this special permit is subject to the rules, regulations and approvals of the Board of Health, Building Department and Department of Public Works. Permits from each Department/Commission must be received, where applicable, prior to the issuance of a building permit.
10. Any new drainage, paving or other excavation or disturbance that is performed within the public way is required to be inspected by the Department of Public Works, and/or the Planning Engineer, as it is performed, and at the expense of the Applicant.
11. A pre-construction meeting shall be held with the Planning Engineer and Planning Board Agent 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 costs for these inspections shall be borne by the Applicant. Based on the results of the pre-construction conference, 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.
12. An as-built plan shall be prepared by a registered professional engineer or land surveyor and submitted to the Plainville Building Inspector and Planning Department prior to the issuance of the occupancy permit for the last building and/or the release of the performance surety. The plan shall show all construction, utility installations, trails and other site features that were installed on-site. The Applicant shall provide a certification from the design engineer stating that all construction has been installed in conformance with the approved plans, and if not provide a list of changes for review and approval by the Board and its Consulting Engineer. Any modifications or substitutions shall be reviewed and approved by the Board. If applicable, the performance surety may be held until all work is satisfactorily completed.
13. The Planning Board shall also receive final as-built plans in 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.
14. The Planning Board reserves right to utilize review fees as allowed under MGL Ch. 44 §53G for engineering, legal and any other professional review services that may be needed to adequately review the project, monitor construction activities and impacts, and to review final as-built plans.

15. Prior to the start of construction, the Applicant shall provide to the Planning Board a copy of the Applicant's Federal Clean Water Act National Pollution Discharge Elimination Systems (NPDES) permit, or proof that one is not required.

Earth Removal Conditions

16. Adequate provisions shall be made for drainage during and after completion of operations.
17. No banks of excavated or filled materials shall be left after completion of daily operations with a slope which exceeds one (1) foot vertical rise in two (2) feet horizontal distance.
18. Provisions shall be made to adequately control dust during the operations – without oil or other chemicals.
19. During the operations, any excavation, quarry, bank, or work face having a height or depth of ten (10) feet or more and/or creating a slope of more than (30) degrees downward shall be fenced. Such fence shall be located ten (10) feet or more from the edge of said excavation and shall be at least six (6) feet in height.
20. All topsoil shall be stockpiled on the property and, as operations proceed, areas brought to grade which will remain as open space or landscaping shall be covered with at least four (4) inches of topsoil and/or loam and seeded with a perennial cover crop. Such areas shall be re-seeded as necessary to assure uniform growth and soil surface stabilization.
21. All debris, stumps, etc. shall be removed from the development area and disposed of in an approved off-site location. Boulders may be disposed of on-site.
22. All existing rules and regulations governing the Earth Removal shall be observed.
23. All earth and site work shall be minimized, and earth materials shall not be removed from the project site unless there is no location on the site where such materials may be reused. Elevations of roadways, building sites and other improvements shall not be lowered unnecessarily with the result of excess earth materials being removed from the site.
24. No earth work operation shall be conducted, maintained, and/or left in a condition so as to alter the natural drainage flow beyond the property; or cause dust, silt, soil, or other materials to be deposited on adjacent properties; or to otherwise cause nuisances, hazards, or other objectionable conditions detrimental to health, safety, or property values in adjacent areas.
25. All applicable laws, by-laws, rules, regulations, and codes shall be complied with, and all necessary permits and approvals shall be obtained by the Owner/Applicant.
26. Hours of operation for earth removal:
- a. Monday through Friday: 8:00am to 5:00pm
 - b. Saturday: 8:00am to 4:00pm
 - c. Sunday: Not permitted
27. Any earth material removed from the site shall be removed only during permitted construction hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load. In the event that debris is carried onto any public way in connection with the construction or operation of the Project, the Applicant shall be responsible for all cleanup of the roadway. All cleanup shall occur within twenty-four (24) hours after first notification by the Board or its designee. Failure to complete each cleanup may result in the suspension of construction on the site until such public way is clear of debris.

Stormwater & Sediment Control Conditions

28. If applicable, a copy of the final Stormwater Pollution Prevention Plan (SWPPP) required for NPDES approval shall be submitted to the Plainville Planning Board for review and approval prior to the issuance of a building permit. The Board 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 on-going monitoring and reporting requirements needed for compliance with these conditions. Monitoring and maintenance of the stormwater management system is required for the life of the facility and is not terminated when the NPDES Notice of Intent is terminated. 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.
29. The stormwater management system shall be permanently maintained in full working order by the Applicant, until such time as the obligation to perform such maintenance has been transitioned to the individual homeowners. As required by the Storm Water Pollution Prevention Plan (SWPPP), on-going inspection reports shall be submitted to the Town and be kept on-site for random inspection as a continuing condition of approval. All components of the system must be properly maintained for the life of the proposed facility.
30. A "Stormwater Declaration of Covenant" from the owner shall be submitted to the Board, with a copy to the Plainville Board of Health, to ensure that the stormwater management system will be maintained by the Applicant, until such time as the obligation to perform such maintenance has been transitioned to the individual homeowners. The Covenant shall "run with the land" and be enforceable by the Town of Plainville. The Covenant shall be in a form pre-approved by the Town and recorded at the Norfolk County Registry of Deeds prior to the start of construction. The Covenant shall outline the responsibilities of each future homeowner to maintain their individual roof runoff chambers to prevent flooding from their lots impacting the abutting properties.
31. During construction, all construction material, debris, fill and excavated material shall be stockpiled in areas at the Site designated by the Applicant after consultation with the Board's Consulting Engineer. Said material shall be stabilized to prevent erosion and to control dust. All excess fill and excavated materials that are not used in conjunction with construction shall be removed from the Site and disposed of in accordance with applicable state laws and regulations. At no time shall any debris or other construction material be buried or disposed of at the Site.
32. All catch basins and drainage structures shall be cleaned at the end of construction and thereafter in accordance with best management practices.
33. Whereas the trench drain on "Lot 2" will convey stormwater to a subsurface infiltration system on "Lot 1", and this subsurface infiltration system will serve both "Lot 1" and "Lot 2", it will need to be located within an easement, and the owners of both aforementioned lots will be responsible for maintenance of this system. The applicant shall draft and record necessary easement documentation.

Open Space Conditions

34. All work required under this section shall be completed prior to the issuance of any building permits for the site.
35. Open Space Area "Lot 4", comprising 17.61 acres, shall be conveyed to the Town of Plainville Conservation Commission as permanently protected conservation land. The applicant shall be responsible for drafting the deed and subsequently recording and paying associated fees at the Norfolk County Registry of Deeds.
36. The perimeter of Parcel "Lot 4" shall be marked with concrete bounds, sticking up at least 6" above ground level, at all corners, with the exception of those already marked by stone walls or drill holes that are readily observable. Bounds need not be set in wetlands along the easterly property boundary, and locations shall be shown on the plan set submitted for endorsement.

General Conditions

37. The Applicant shall submit to the Board a property line plan suitable for recording in the Registry of Deeds, stamped by a Massachusetts Professional Land Surveyor, showing the final property lines shown on the special permit plan set. The plan shall clearly show the concrete bound locations, which shall be installed at all corners of lots, except as exempted above.
38. Hours of construction shall be as follows:
 - Interior Building Fit Out: Monday through Friday 7:00am to 6:00pm; Saturdays 8:00am to 5:00pm; Sundays – no work allowed
 - Exterior Building Construction and Site Work: Monday through Friday 8:00am to 6:00pm; Saturdays 8:00am to 4:00pm; Sundays – no exterior work allowed.
 - Holidays: No work is allowed on the following legal holidays: New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving and Christmas.
 - Exceptions: These hours of operation may be adjusted, by approval of the Building Inspector, after a review of neighborhood impacts.
39. Non-compliance/Stop Work Order: If, at any time, the construction of the development is not in compliance with the approved plans and conditions, the Board may order that work on the construction of the project be stopped.

Deadlines

40. In conformance with PGC §500-20(F) the special permits shall lapse if substantial construction has not begun, except for good cause, within 36 months of this special permit approval, exclusive of such time required to pursue or await the determination of an appeal, referred to in MGL c.40A §17.

Decision of the Board

The Planning Board, at its meeting held on 10/06/2025, upon motion duly made and seconded voted to APPROVE, subject to the findings and conditions listed herein, the above referenced **Special Permit for Earth Removal**, pursuant to PGC §500-21 and §500-34, **Special Permit for Residential Cluster Development**, pursuant to PGC §500-22, and **Recission of Subdivision**, pursuant to MGL Chapter 41, Section 81-W, for the construction of a three lot single family development on Chestnut Street, Plainville, MA.

The Conditions of Approval are listed in this decision.

Vote on Special Permit for Earth Removal:

	<u>In favor</u>	<u>Opposed</u>	<u>Abstain</u>	<u>Absent or not Acting</u>
Justin Alexander	<u>x</u>			
Christopher Desprez	<u>x</u>			
Dawn Denizkurt	<u>x</u>			
Thomas McHugh	<u>x</u>			
Stanley Widak	<u>x</u>			

Vote on Special Permit for Residential Cluster Development:

	<u>In favor</u>	<u>Opposed</u>	<u>Abstain</u>	<u>Absent or not Acting</u>
Justin Alexander	<u>x</u>			
Christopher Desprez	<u>x</u>			
Dawn Denizkurt	<u>x</u>			
Thomas McHugh	<u>x</u>			
Stanley Widak	<u>x</u>			

Vote on Recission of "Chestnut Hill Estates" Subdivision:

	<u>In favor</u>	<u>Opposed</u>	<u>Abstain</u>	<u>Absent or not Acting</u>
Justin Alexander	<u>x</u>			
Christopher Desprez	<u>x</u>			
Dawn Denizkurt	<u>x</u>			
Thomas McHugh	<u>x</u>			
Stanley Widak	<u>x</u>			

A complete record of these proceedings is on file with the Town Clerk and with the records of the Planning Board.

19 Chestnut Street, Plainville MA
Special Permits & Subdivision Recission
10/06/2025

Any person aggrieved by this decision of the Board may appeal the decision pursuant to the provisions of Chapter 40A. Such appeal must be made within twenty (20) days of the filing of this decision in the office of the Town Clerk.

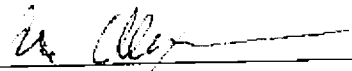
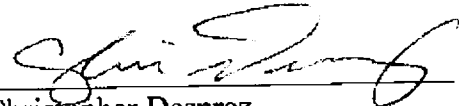
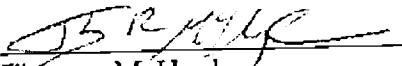
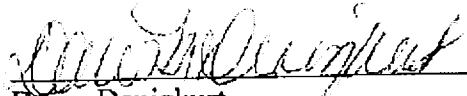
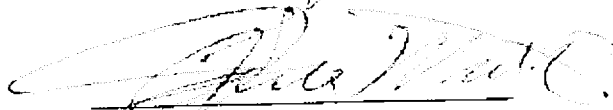
This decision and all plans referred to in the decision have been filed with the Building Inspector, Board of Health, and Town Clerk.

The decision is not valid until recorded at the Norfolk County Registry of Deeds, Dedham, Massachusetts, by the Applicant.

A copy of the recorded Certificate of Action shall be submitted to the Board within thirty (30) days of recording.

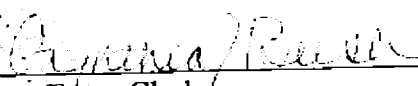
Signed this the 6th day of October, 2025 by:

Members of the Plainville Planning Board:


Justin Alexander
Christopher Desprez
Thomas McHugh
Dawn Denizkurt
Stanley Widak

I hereby attest that twenty (20) days have elapsed from the stamped date of this Decision and that no appeal has been filed in this office as of this date:

A true copy attest:


Town ClerkOctober 22, 2025
Datecc: Town Clerk
ApplicantBuilding Inspector
Parties-in-interest per MGL Ch. 40A, s. 11

A TRUE COPY, ATTEST:


Cynthia J. Bush
Town Clerk
October 22, 2025