



TOWN OF BELLINGHAM

OFFICE OF TOWN CLERK

Bellingham Municipal Center
10 Mechanic Street
Bellingham, MA 02019

Town Clerk
Lawrence J. Sposato, Jr.

Tel: 508-657-2830
Fax: 508-657-2832

DATE: September 25, 2020

TO: Campanelli Clark Bellingham, LLC

RE: Curtic Apartments

Comprehensive Permit Decision

This is to inform you that 20 days have elapsed since September 4, 2020

The date the above was filed with the Town Clerk, and that no notice of appeal has been filed with this office during that period.

A certified copy attesting this is available on file at this office.

Sincerely,

Lawrence J. Sposato, Jr.

Lawrence J. Sposato, Jr.
Bellingham Town Clerk



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 657-2892
PlanningBoard@bellinghamma.org

September 3, 2020

CURTIS APARTMENTS COMPREHENSIVE PERMIT DECISION

A. BACKGROUND

Applicant: Campanelli Clark Bellingham LLC
1 Campanelli Drive
Braintree, MA 02185

Owner: TMC Holdings and Development LLC
167 Mechanic Street
Bellingham, MA 02019

Public Hearing: The Public Hearing opened July 2, 2020 at 7:00 PM. Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, no in-person attendance of members of the public was permitted. The Board members participated remotely at the onset. These meeting were accessible to the public via the Zoom online option found on each posted agenda as well as on the Town of Bellingham website. Notice for the public meeting was published in *The Milford Daily News* on June 18, 2020 and June 25, 2020. The Public Hearing was continued to August 6, 2020, August 20, 2020 and September 3, 2020 when the Public Hearing was closed. A site walk was also conducted on July 14, 2020.

Date of Vote: September 3, 2020

The Premises: The premises, also referred to herein as the "Site" is located on the property of 161 Mechanic Street Map 51, Lot 4A, 165 Mechanic Street, Map 51, Lot 8, 167 Mechanic Street, Map 51, Lot 6, 175 Mechanic Street, Map 51, Lot 5 and Map 51, Lot 4B and Map 51, Lot 4 Bellingham, MA 02019. This property is zoned Business 1 and Agriculture on approximately 15+/- acres of land.

RECEIVED
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2020 SEP -4 A 8:22
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TOWN CLERK

The By-law

Massachusetts General Law chapter 40B §20-23

The Proposal:

To construct five, four story residential buildings consisting of no more than 250 rental apartments along with associated amenities such as a clubhouse, pool and recreational areas. Also referred to herein as the "Project", as shown on the plan entitled Proposed Site Plan Documents, by Bohler Engineering, last revised September 1, 2020, also referred herein as the "Plan" or "Approved Plan".

The Proposal was documented with the following materials:

1. Determination of Project Eligibility under the Local Initiative Program letter, by Department of Housing and Community Development, dated May 20, 2020.
2. Application for Comprehensive Permit, dated May 12, 2020, including a narrative and project description.
3. 167 Mechanic Street Quitclaim Deed
4. Lot 6, Tax Lot 51-004B and Lot 8, Tax Lot 51-004 Mechanic Street Quitclaim Deed
5. 161 Mechanic Street, Purchase and Sale Agreement
6. 165 Mechanic Street, Purchase and Sale Agreement
7. 175 Mechanic Street, Purchase and Sale Agreement
8. Certified Abutter's List, Town of Bellingham, dated April 16, 2020.
9. Drainage Report, by Bohler Engineering, last revised June 9, 2020
10. Proposed Site Plan Documents, by Bohler Engineering, last revised September 1, 2020 (also known as the Approved Plan)
11. Preliminary Architectural Plans and Building Specifications, by BKA Architects, dated May 11, 2020
12. Letter of Support, Town of Bellingham Board of Selectmen, dated February 10, 2020
13. List of Requested Waivers to Local Requirements, by Campanelli Clark
14. List of Development Team and Related Project Experience, by Campanelli Clark
15. Project Program Information Overview, by Campanelli Clark
16. Project Community Impact Overview, by Campanelli Clark
17. Project Financing Commitment, by Campanelli Clark

18. Preliminary Construction Budget and Pro Forma, by Campanelli Clark
19. Proposed Development Schedule, by Campanelli Clark
20. Traffic Impact and Access Study, by Ron Muller and Associates, dated April 30, 2020
21. Route 140 Improvements, Widening on South Side of Route 140, by Ron Muller and Associates, dated April 6, 2020.
22. Environmental Notification Form, by Bohler Engineering, dated April 30, 2020
23. Peer Review of Stormwater Management and Notice of Intent Related Documents, by BSC, dated August 10, 2020.
24. Response to Peer Review, by Bohler Engineering, dated August 17, 2020.
25. All public comment submitted to the Zoning Board of Appeals and on file at the Planning Board offices.
26. Other miscellaneous documents on file at the Planning Board offices.

B. DETERMINATIONS/ FINDINGS

After considering the concerns raised by abutters and others during the course of the public hearing and reviewing the documents, plans, testimony and other evidence submitted during the public hearing, the Board makes the following Determinations and Findings:

1. The Applicant filed a Chapter 40B project eligibility/site approval application to the Department of Housing and Community Development ("DHCD") under the Local Initiative Program (which was supported by the Town of Bellingham through its Selectboard) and received a site approval/project eligibility letter dated May 20, 2020 from DHCD, allowing for no more than 250 rental units at the proposed Site. In addition, the Board finds that:
 - the Applicant is a limited dividend entity as per the DHCD eligibility letter;
 - the Project is fundable by a state subsidizing agency as per the DHCD eligibility letter; and
 - the Applicant controls the site as per Finding No. 4 below.
2. The Site is largely undeveloped. The Site has three structures closest to Route 140 that are proposed to be razed.
3. The Site is in both the Business-1 and Agriculture Zoning District.

4. TMC Holdings and Development LLC has control over the Site, as evidenced by the submission of Quitclaim Deeds and Purchase and Sales agreements for each lot.
5. That the Site is partially located within the Water Resource District.
6. The Application is for five, four story residential buildings consisting of no more than 250 rental apartments along with associated amenities.
7. The Application proposes 63 affordable rental units.
8. The Project will be served by public water and public sewer as shown on the Approved Plan.
9. The Property is not to be further subdivided.
10. The property is within the 100-foot buffer of jurisdictional areas of the Massachusetts Wetlands Protection Act (the "Wetlands Protection Act"). The proposal minimizes disturbance of the buffer to the wetland resources, as defined by the Wetland Protection Act and is further controlled through a Notice of Intent and subsequent Order of Conditions by the Bellingham Conservation Commission.
11. The Board finds that the Town has not met the required housing goal of 10 percent in accordance with Massachusetts General Law chapter 40B §20-23 and therefore accepted the application and reviewed the proposed Project.
12. The Board finds that with the approval of the Proposed Plan, the Town now will be above 10 percent in accordance with Massachusetts General Law chapter 40B §20-23.
13. The Board finds that the site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site are in compliance with the Department of Housing and Community Development regulations 760 CMR 56.04(2).
14. The Board finds that the performance requirements of the local zoning by-law (e.g. Article IX Environmental Controls, Article X Parking and Loading Requirements, Article XI Landscaping Requirements) have been met or a waiver has been requested and granted.

15. The Board finds that the stormwater management shown on the Approved Plan and associated drainage analysis has been designed to meet the Stormwater Management Standards set by the Massachusetts Department of Environmental Protection. The standards include removing solids from the stormwater and reducing rates of runoff from the site.

Although the proposed development meets the Stormwater Management Standards set by the Massachusetts Department of Environmental Protection, the development does not meet local by-laws for the same and waivers were requested. Refer to section 21 for a list of approved waivers.

16. The Board finds that the qualities of the natural environment were considered and there were discussions and plan revisions to preserve and/or mitigate impacts to the natural environment nearest Curtis Pond. The area of disturbance has been refined to meet the Wetlands Protection Act and furthermore, the Conservation Commission, through an Order of Conditions, will further address additional protections to jurisdictional areas on Site.

17. The Board finds that the Applicant has cooperated with the Board in the design of adequate landscape buffer through plantings, fence screening and relocations of garages.

18. The Board finds that the illumination of the proposed lighting for the development, in accordance with the photometric plan provided, shall not trespass on to abutting properties. Any exterior building and street lighting shall be consistent with "dark sky" standards, shielded and directed downward to maintain lighting on to the Site and shall comply with the Zoning By-law.

19. The Board has determined through detailed analysis of the following documents that the Project has adequate access:

- a) The Site Layout Plan and Traffic Analysis Report submitted by the applicant and further reviewed by the Board's peer review engineer demonstrated general conformance with industry standards and reasonably quantifies existing/baseline traffic conditions, traffic generation characteristics for the site/use, and traffic impacts/operations at the site driveway and nearby street intersection. The traffic analysis confirms slight widening to Route 140 shall be required as illustrated in the Route 140 Improvements, Widening on South Side of Route 140, by Ron Muller and Associates, dated April 6, 2020.
- b) Further analysis from peer review confirmed appropriate sight lines and offered further recommendations that are conditioned herein.

- c) The Fire Truck Turning Radius Plan depicts adequate emergency service access.

20. The Board finds that, as proposed, the Project is inconsistent with certain local planning standards. However, the Applicant has modified the proposal to meet the State standards and has cooperated with the Board and the Board's peer review requests to meet local standards to the maximum extent practicable.

21. The Applicant has requested and is hereby granted waivers to certain local by-laws. These waivers have potential to cause adverse impacts, and as such appropriate provisions are codified into the Town of Bellingham's local by-laws. Because the comprehensive permit process provides that the applicant need only ascribe to less protective state level regulations, and even though these waivers have the potential to cause adverse local impacts, the Board concluded to grant the following waivers:

Specifically, the Zoning Board of Appeals grants the following waivers to the local Wetland Protection Bylaw and local Zoning Bylaw:

- a) §247-1.D.(2), 100-foot undisturbed buffer requirement,
- b) §247-1.D.(5), 50-foot buffer requirement,
- c) §240-40, Intensity of Use Schedule Rear Yard Setback and Maximum Building Height reduction
- d) §240-43(F) General Sign Prohibitions setback reduction
- e) §240-59(A)(2)(b-d) Schedule of Parking total number reduction
- f) §240-61(G)(2)(b) Driveway centerline reduction
- g) §240-67(A) Street Planting Area
- h) §240-67(C) Parking Area Plantings
- i) §245-13(B)(1) Storm Drains reduction of cover
- j) §245-13(B)(2) Storm Drains on Site
- k) §245-13(C)(3) Drainage Structures curb inlets
- l) §245-13(C)(4) Drainage Structures 6-inch sump
- m) §245-13(C)(5) Drainage Structures o-ring
- n) §245-13(D)(1) Detention Basin on same lot
- o) §245-13(D)(2)(a) Detention Basin slope and depth design standard
- p) §245-13(D)(2)(g) Detention Basin maintenance road width
- q) §247-29(B)(1)(d) Plan Content, 50-year flood frequency
- r) §247-29(C)(2) Plan Content, depicting wetlands
- s) §247-29(C)(13) Plan Content, existing 10" caliper trees
- t) §247-33(B)(3) Stormwater Compliance, freeboard
- u) Planning Board Procedural Rule §7.8.1 SWPPP and NPDES provided prior to construction

- v) Planning Board Procedural Rule §7.8.1(B) Scale of Erosion Control Plan
- w) Planning Board Procedural Rule §7.8.1(C)(2) Existing 12" caliper trees
- x) Planning Board Procedural Rule §7.8.1(G) Steep slopes

The above waivers were specifically defined during the hearing process. The Board finds that the Project is designed to meet the local standards where practicable and therefore applicable requirements of the local wetlands bylaw, subdivision regulations and local zoning bylaw are hereby waived where not specifically granted above only if such waiver is required to comply with the approved plans.

22. The Board finds that the conditions imposed in the following section are necessary in order to properly address the local concerns and mitigate impacts related to the construction and occupancy of the project. The Board finds that such conditions will not render the project uneconomic.

C. DECISION

Based on the above determinations, the Zoning Board of Appeals finds that the proposal meets the requirements of Massachusetts General Law chapter 40B §20-23, and by a vote of 4 to 0 in favor, accordingly, grants the Applicant and its successors and assigns as owner of the premises, a Comprehensive Permit with the Conditions as set forth herein:

1. This Approval is limited to the improvements as noted on the Approved Plan and as may be conditioned herein. In the event the Applicant seeks any change in the Comprehensive Permit after this decision is final, any such change must be presented to the Board for approval and for modification of this decision. Within 20 days the Board shall determine and notify the Applicant whether it deems the change substantial or insubstantial, with reference to the factors set forth at 760 CMR 56.07(4).) If the change is determined to be insubstantial or if the Board fails to notify the Applicant by the end of such 20-day period, the Comprehensive Permit shall be deemed modified to incorporate the change. If, during a public meeting, the Board deems a change to be substantial, then the Board shall hold a subsequent public hearing within 30 days of its determination and issue a decision within 40 days of termination of the hearing, at which the Board may approve or disapprove the requested modifications or amendments to this decision, in accordance with the provisions of Mass. Gen. Laws c. 40B, section 21, the provisions of 760 CMR 56.05 (11). The Board will determine whether additional information and advice is necessary from other boards and

officials in the event of such substantial change and will then determine whether the change or requested relief is to be approved and the decision amended accordingly. "Substantial Change" for the purposes of this paragraph shall include, but not be limited to, all matters defined as substantial changes in 760 CMR 56.07(4). If it deems necessary, the Board may, at the Applicant's expense, retain consultants to review and advise the Board regarding any proposed changes.

2. No building permit shall be issued and no construction of any structure or infrastructure shall commence until the Project receives final approval from the subsidizing agency and evidence of said approval is provided to the ZBA; provided, however, rough grading, site preparation and erosion and sedimentation controls may occur prior to such approval.
3. An affordable restriction and regulatory agreement in form and substance as required by the subsidizing agency shall be signed with the Subsidizing Agency and the Town and shall be recorded at the Norfolk Registry of Deeds prior to the issuance of any certificate of occupancy. As required by law and the Subsidizing Agency, the Applicant shall be a limited dividend organization and comply with the limited dividend requirements of M.G.L. ch. 40B, §20 and otherwise limit its profits as required under M.G.L. ch. 40B (as determined by the Subsidizing Agency) and any excess profits shall be paid by the Applicant and distributed or escrowed for reserves as required by the Subsidizing Agency and in accordance with applicable law, regulations and/or guidelines.
4. The Applicant shall enter into a Permanent Restriction/Regulatory Agreement with the Town, in a form and substance reasonably acceptable to the Board and its counsel (the "Town Regulatory Agreement"), which shall be recorded with the Norfolk County Registry of Deeds prior to issuance of any certificate of occupancy and signed by all necessary parties, including all mortgagees and lien holders of record and shall be in force in perpetuity. The Town Regulatory Agreement: (i) shall only become effective if and when the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another regulatory agreement with another Subsidizing Agency; (ii) shall require that the Project shall remain 25% affordable so long as the Project does not conform to local zoning; (iii) shall require that at least 25% of the units in the Project shall be affordable as that term is defined in M.G.L. Chapter 40B, §20-23; and (iv) shall restrict or limit the dividend or profit of the Applicant only if and as required under M.G.L. c.40B and 760 CMR 56.00, et seq., and no independent limitation on dividends or profits is imposed hereunder.

5. This Decision shall be recorded at the Norfolk Registry of Deeds. This Decision shall become effective upon recording. Proof of recording shall be forwarded to the ZBA and the Building Inspector prior to issuance of a building permit or the start of construction.
6. This Decision permits the construction, use, and occupancy of a maximum of 250 rental units on the Site. The construction and occupancy of the Project shall be in substantial conformity with the Approved Plan, and there shall be no further division or subdivision of the Site, or the creation of additional housing units or any other structures or infrastructure except that which is shown on the Approved Plan without further approval of the ZBA in the form of an amendment to this Decision and pursuant to statutory requirements applicable at the time and in accordance with the terms and conditions of this Decision.
7. The Project shall designate not less than twenty-five percent (25%) of the units for qualifying households earning at or below 80% of the area median income, as defined and amended from time to time by the subsidizing agency for this project. Per the subsidizing agency's rules and guidelines, the affordable units shall be evenly dispersed throughout the Project and shall be indistinguishable from the market rate units in the Project. The affordable units shall remain affordable in perpetuity by deed riders in form and substance acceptable to the subsidizing agency and the Board for the Project.

The Applicant shall notify the Board when building permits are issued for and cooperate with the preparation of request forms to add the units to the Town's SHI. The Affordable Units shall permanently remain affordable units, for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under M.G.L. c. 40B, § 20-23.

8. For the initial rent-up of the Project, the maximum number of Affordable Units allowed by law and the applicable subsidy program, but not more than seventy percent (70%) of the Affordable Units, shall be reserved for households that qualify under a local preference definition approved by the Subsidizing Agency. A lottery shall be established in a form approved by the Subsidizing Agency to effectuate this local preference, with an approved secondary lottery for all other Applicants. The Applicant shall assist the Town in the submittal of any evidence required by the Subsidizing Agency to support this local preference requirement. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the

categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. The Applicant shall provide reasonable and timely assistance to the Town in providing this evidence. If the Board or its designee does not provide such information within sixty (60) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency, then this condition shall be void unless the Applicant has failed to provide reasonable and timely assistance as described above.

9. Prior to commencement of construction the developer shall furnish guarantees to the Zoning Board of Appeals as provided in the Subdivision Regulations that except as otherwise expressly provided in M.G.L. c. 41, Section 81-U, no unit included in the Project shall be occupied until the essential infrastructure necessary to serve such unit has been completed in the manner specified by the Subdivision Regulations of the Town of Bellingham and/or the Approved Plan or a performance bond or other security in lieu of completion has been accepted by the Zoning Board of Appeals. The sum of any such security held shall be acceptable to the Bellingham Department of Public Works and shall bear a direct and reasonable relationship to the expected cost, including the effect of inflation, necessary to complete the subject work. The Applicant shall be permitted to choose the type of security instrument that is authorized under §81U, including but not limited a so-called "Tri-Party Agreement" between the Applicant, its mortgage lender, and this Board, and also including a Letter of Credit but the actual form of such instrument is subject to the prior review and approval of Town Counsel.
10. Prior to the issuance of the first Certificate of Occupancy on the Site, the Applicant has agreed to provide \$135,000.00 to the Town of Bellingham for the design and/or construction of improvements to the Route 140 corridor to assist in mitigating the impacts from the increased pedestrian and traffic volumes burdening the corridor.
11. As previously determined, widening of Route 140 shall be required to accommodate safe and adequate access to the Site. The widening shall be completed substantially in accordance with the Route 140 Improvements, Widening on South Side of Route 140 Plan, by Ron Muller and Associates, dated April 6, 2020. In addition, the Applicant shall continue to use reasonable efforts to advocate and petition for the signalization of this intersection servicing this Plan to the Massachusetts Department of Transportation in conjunction with the ongoing efforts by the Developer of 160 Mechanic Street.

12. The Landscape Plan depicted in the Approved Plan set demonstrates the Board's requirement to have a vegetative buffer at both the north and south property lines. The Landscape Plan quantity and character shall remain in kind in perpetuity. Substantive deviation to the Landscape Plan shall be reviewed by this Board. The southern border shall remain a vegetative buffer in perpetuity in accordance with the Approved Plan. In addition to the Landscape Plan depicted in the Approved Plan set, an additional Screening Plan Exhibit was added to the Approved Plan during the hearing, referred to as sheet C-907. This screening plan shall be completed substantially in accordance with sheet C-907 prior to the issuance of the first Certificate of Occupancy on the Site. The plantings shall be reviewed and approved for compliance by the Town Planner prior to the issuance of the first Certificate of Occupancy on the Site.
13. A comprehensive signage plan shall be presented to the Board for approval prior to Building Permit for the Site signage including but not limited to monument signage and wayfinding signage.
14. Prior to issuance of a building permit, the Applicant shall provide to the Town Planner and Conservation Agent a final Stormwater Pollution and Prevention Plan consistent with the Order of Conditions issued by the Conservation Commission or Massachusetts Department of Environmental Protection under the Wetlands Protection Act to address specific sedimentation, erosion and dust control, which illustrates, at a minimum, locations of measures and provide detailed construction sequencing.
15. Prior to the start of construction, sediment and erosion controls shall be installed and be subject to the inspection and approval by the Town Planner and Conservation Agent.
16. The Limit of Work is the limit of grading and general excavation. No construction staging or stockpiling of equipment or materials shall be placed outside the Limit of Work.
17. The hours of operation for any construction or staging activities on-site shall be Monday through Friday, from 7:00 am to 5:00 pm. Construction activity shall also be permitted on Saturdays from 7:00 am to 4:00 pm. No construction activity shall take place outside the specified permitted hours or on Sunday or New Years' Day, Memorial Day, July Fourth, Labor Day, Thanksgiving, Christmas, or other legal holiday. Work outside of these hours may be considered upon review and approval by the Building Commissioner prior to any work outside of these hours commencing. Upon review and approval by the Building Commissioner the Applicant shall notify the Police Department of the time and date of work commencing.

18. All construction related parking shall be conducted on-site. No parking of any vehicle associated with the Project shall park on nearby parcels including those vehicles arriving early. There shall be no staging of vehicles on nearby parcels. And all vehicles associated with the Project shall enter into the temporary construction entrance and park within the construction fencing at all times.
19. During construction, no run-off shall be directed down the proposed driveway onto Route 140 or onto abutting properties. The Applicant shall maintain any drainage or sediment controls in good working order and maintain the construction site free of dust that would create a hazard or nuisance to adjacent properties. In addition, the Applicant shall require trucks hauling debris to be covered and wet down as required to minimize dust. Spillage on roads shall be cleaned up immediately, and overloading trucks, which may contribute to spillage on haul roads, is prohibited.
20. If construction activity ceases for longer than 30 days, then written notice shall be provided by the Applicant to the Building Commissioner at least 48 hours before resuming work. Pursuant to 780 CMR 33 Safeguards during Construction and applicable statutes, the Building Commissioner may require that any foundation, trench, structure, equipment or other hazard be secured as necessary, in his opinion, including but not limited to installation of fencing and/or filling of trenches.
21. If construction is temporarily suspended during the growing season, all exposed areas shall be stabilized by seeding and/or mulching within 14 days of suspension of construction. If construction is temporarily suspended outside the growing season, all exposed areas shall be stabilized by mulching and tack within 14 days of suspension of construction. Slopes steeper than 3:1 shall be stabilized by netting and pinning during suspension of construction.
22. Utilities within the Site, including but not necessarily limited to electric, cable and telephone, shall be located underground.
23. All exterior lighting at the Site shall be dark sky compliant and shall not allow spillover of light onto adjoining properties, in accordance with the Approved Plans and the Town's Zoning By-laws.
24. All fencing to be installed on Site shall be constructed to allow for a six (6) inch gap from the ground surface to the bottom of the fence to allow for wildlife.

25. The Applicant or its successors, shall maintain and repair the drainage structures and stormwater management system on the Site as shown on the Plan. The Stormwater Management Operation and Maintenance Plan (O&M), dated June 9, 2020, included as part of the Drainage Report, is hereby referenced and made part of this decision. The Applicant shall permit the Board or its agent to inspect the premises on reasonable notice to determine compliance with said O&M plan.
26. Snow and ice removal shall be the responsibility of the Applicant or a successor and in accordance with the approved Operation and Maintenance Plan.
27. Fertilizers containing phosphorous are prohibited and shall not be used with in the site.
28. The Applicant shall be permanently responsible for the following at the Project: 1) all plowing, sanding, and snow removal; 2) all site maintenance and establishing a regular schedule for site maintenance; 3) repairing and maintaining all on-site ways, including drainage structures and utilities therein; 4) conducting annual inspection, maintenance and cleaning of all elements of the drainage system, including but not limited to catch basins, drain manholes, detention basins, swales and pipelines; and site lighting and landscaping.
29. Prior to the commencement of construction, the Applicant shall schedule a preconstruction meeting with the Town Planner, Conservation Agent and the Board's designated inspectors. The Board's inspectors shall be permitted to conduct routine inspections, as may be reasonably be determined by said inspector, while construction is ongoing relative to this permit and all corresponding Decisions for this Site. The Applicant shall deposit with the Town, sums necessary to fund the inspections contemplated hereunder, including but not limited to DPW inspections, Building Department's inspections, Fire Department inspections. Such inspectional funds shall be governed under M.G.L. c. 44 §53G or such other applicable statutory method as may be appropriate.
30. In accordance with the Bellingham Department of Public Works, any and all access and utility easements that may be necessary shall be in a form approved by Town Counsel prior to the issuance of the Certificate of Completion, such approval shall not be unreasonably withheld.
31. Applicant shall pay for the Town's cost of Police and Fire details for the Project, if any.

32. As stated by the Board and agreed to by the Applicant, the internal roadways, utilities, drainage systems and all other infrastructure shown in the Plan shall remain private. The Town of Bellingham shall not have, now or ever, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal and trash collection.
33. Prior to the issuance of any occupancy permit, the Applicant shall provide to the Board evidence of the security required to be provided to the Department of Housing and Community Development.
34. Prior to commencing construction of the Project, the Applicant shall submit a fully executed copy of a Monitoring Service Agreement to the Board; provided, however, that it is acceptable if monitoring provisions are provided for within the subsidizing agency affordable housing restriction/Regulatory Agreement.
35. To ensure compliance with the Regulatory Agreement and the requirements of the Comprehensive Permit, the Applicant shall, provide a copy of the cost certification to the Board.
36. This Decision is binding on the Applicant's successors, assigns, agents, and employees. This approval shall insure to the benefit of and binding upon Campanelli Clark Bellingham LLC, its successors and assigns, provided there is no change in use for the Premises. The Zoning Board of Appeals shall be notified in writing of any changes in affiliates and successors in title and additional users of the Premises.
37. Any change of use shall require a public hearing to either modify the existing Decision or to issue a new Decision.
38. The Applicant shall comply with §240-16B(5) and (6) regarding As-Built Plans and follow the policies of the As-Built handbook. An as-built plan shall be provided to the Department of Public Works for review and certification prior to the final occupancy permit for the Project.
39. This Decision shall not be effective until it is recorded by the Applicant at the Registry of Deeds, with proof of such recording to be supplied to the Board and the Building Inspector.
40. If at any time it appears that the Applicant is in violation of an affordable housing restriction, then the Board may pursue such enforcement rights as it may have under the affordable housing restriction and/or applicable law.

41. The Town, by and through the Board, Building Department, or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Decision.
42. This Comprehensive Permit shall lapse if the Applicant does not commence substantial construction within three (3) years of the date it becomes final (which is the date this Decision is filed with the Town Clerk if no appeal is filed, or the date the last appeal is decided or otherwise terminated favorably to the Applicant in the event of an appeal). The Zoning Board of Appeals may authorize an extension of the three (3) year period under the applicable state regulations. Construction shall be completed within six (6) years of this Permit taking effect.
43. If any part of this Decision is for any reason held invalid or unenforceable, such invalidity or unenforceability shall not affect the validity of any other portion of this Decision.

D. RECORD OF VOTE

I vote to **APPROVE** the **CURTIS APARTMENTS COMPREHENSIVE PERMIT DECISION**.

Bellingham Zoning Board of Appeals

September 3, 2020

Brian Wright

Robert L. Mc

Brian Salisbury

Appeals of this Decision may be made within twenty days, in accordance with the provisions of G.L. c 40A, §17

This Decision, together with all plans referred to in it, was filed with the Town Clerk on September 4, 2020

Lawrence J. Sposato, Jr.
Lawrence J. Sposato, Jr.
Bellingham Town Clerk