



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019

RCV MAY 9 '22 AM 9:06:16
BELLINGHAM TOWN CLERK

TOWN OF BELLINGHAM BOARD OF APPEALS NOTICE OF DECISION

Location of Property:
30 Locust Street
Bellingham, MA 02019

Assessor's Reference:
Assessor's Map: 93
Lot: 22

Name and Address of Applicant:
Elite Home Builders LLC
P.O. Box 1205
Westborough, MA 01581

Name and Address of Owner:
TRG Family Limited Partnership
30 Locust Street
Bellingham, MA 02019

DECISION of the Zoning Board of Appeals (the "Board") on the application of Elite Home Builders LLC (the "Applicant") for a Special Permit under Article XVII, Earth Removal of the Zoning Bylaw, to remove earth in excess of 2,500 cubic yards to construct approximately 108 residential units and associated improvements at 30 Locust Street, Bellingham, Massachusetts and identified as Assessor Map 93 Lot 22, Zoning District Suburban and Agriculture, (the "Property").

This Decision is in response to an Application filed on March 17, 2022. After causing notice of the time and place of the public hearing and of the subject matter thereof to be published in the Milford Daily News on March 24, 2022 and March 31, 2022, posted and mailed to abutters and other parties of interest as required by law, the public hearing was opened on April 7, 2022 and continued to April 14, 2022 and May 5, 2022 when it was closed. The record of the proceedings and submissions upon which this Decision is based may be referred to in the office of the Town Clerk or the Board office.

Members present and voting at the hearing were Brian Wright, Chairman, Brian Salisbury, Vice-Chairman, Peter Gabrielle, Arturo Paturzo, and Rayan Shamas.

The Board, after considering the materials submitted with the application, together with the information developed at the hearing, finds that:

1. The Applicant seeks a **SPECIAL PERMIT** under Article XVII, Earth Removal of the Zoning Bylaw, to remove earth in excess of 2,500 cubic yards to construct approximately 108 residential units and associated improvements at 30 Locust Street, Bellingham, Massachusetts.
2. The project design results in approximately 124,000 cubic yards of cut needed to be removed.
3. The proposed activity is described in the Application and a plan provided. The plan entitled Special Permit and Development Plan Approval for Bungay Brook Estates, by Land Design Collaborative, last revised February 16, 2022, provides adequate finish grades upon completion of removal and restoration activities.
4. The proposed activity has been reviewed by a peer review engineer and final grading and drainage is satisfactory.



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5. The use is in harmony with the general purpose and intent of the bylaw.

Therefore, the Board, after reviewing the available materials and based upon the above findings, voted unanimously to **GRANT** the **SPECIAL PERMIT** subject, to the following **conditions**:

1. The requested activity shall be conducted substantially in accordance with the Application submitted and materials contained in the file and the Boards approval to permit the removal of up to 124,000 cubic yards of earth to construct approximately 108 residential units and associated improvements between Mill Street and Mechanic Street.
2. For earth removal operations at this location, construction activities shall be conducted between the hours of 8:00am to 4:30pm Monday through Friday, with no work on Saturday and Sunday and legal holidays.
3. All earth to be removed from the site shall be within a covered vehicle. All trucks must leave from existing exit driveway on Locust Street towards I-495. No trucks are to use Reservoir Drive for earth removal at any time. All trucks shall leave the site heading north to Pulaski Boulevard. Failure to comply with the requirements of this paragraph may result in a stop-work order, as may be directed by the Town's Zoning Enforcement Officer, the Board, or its duly authorized designee.
4. Traffic and dust concerns shall be monitored and maintained at all times. Complaints received regarding earth removal, including but not limited to traffic safety shall be enforced administratively. However, if ongoing complaints persist, without remedy, to the Safety Officer, Building Inspector and/or Town Planner within a calendar month, the Applicant shall be required to come before the Zoning Board of Appeals at a regularly scheduled meeting to discuss measures the Applicant is taking to remedy the concerns. Failure to comply with the corrective measures agreed to shall be deemed a violation of this special permit, a violation of the zoning bylaws and shall provide the Zoning Board of Appeals with grounds to void this permit or other enforcement measures available.
5. The construction entrance shall be armored with a rip rap pad to remove debris from the tires of the trucks leaving the site.
6. The Applicant shall provide a performance bond in the amount of \$125,000 posted in the name of the Town assuring satisfactory performance in the fulfillment of the requirements of the bylaw and such other conditions to the issuance of this permit. Such bond shall have an expiration date not less than six months later than the permit termination date. The form and type of bond shall be reviewed and approved by the Town Attorney prior to removal of any material from the Site. The intent of the performance bond is to minimize impacts to Locust Street public way. If said way is negatively impacted by the earth removal operation the Town of Bellingham shall request improvements be made to Locust Street utilizing the bond provided or other means agreed to by the Town and Applicant.
7. All "temporary" onsite stockpiles, left undisturbed for greater than 14 days, shall be stabilized to limit dust and debris.
8. A water truck shall be on the Site at all times with sufficient water to control dust concerns.
9. This permit shall expire on August 30, 2023, unless an extension is applied for by the Applicant to the Zoning Board of Appeals 30 days prior to the expiration date. An extension may be heard at a regularly scheduled meeting of the Board.
10. The Applicant shall return to the Zoning Board of Appeals during the month of September to review progress at the Site and provide an amended schedule moving forward.



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11. The Applicant shall meet with a representative from the School Department to confirm school bus times within the Town of Bellingham for the school year 2022-2023 and request a recommend earth removal schedule to limit impacts to school bus routes. Said meeting shall occur prior to the Applicant returning to the Board in September 2022.
12. The Decision rendered herein is concerned only with the Zoning Bylaw and not with the Building Code or any other Town Bylaw. The Applicant is responsible for determining and complying with Town, State, and Federal regulations in using the authorization granted.
13. No Special Permit, or modification or extension thereof, shall take effect until a copy of this Decision has been recorded in Norfolk Registry of Deeds. Such Decision shall bear the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal has been filed, or that if such appeals has been filed, it has been dismissed or denied.
14. Any person aggrieved by the Decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17 within twenty (20) days after this Decision is filed with the Bellingham Town Clerk.

Filing Date:

TOWN OF BELLINGHAM BOARD OF APPEALS

Brian Wight, Chair