



BELLINGHAM PLANNING BOARD

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April 25, 2024

NORTH AND BLACKSTONE TOWNHOMES SPECIAL RESIDENTIAL USE TOWNHOUSE DWELLING SPECIAL PERMIT DECISION

A. BACKGROUND

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BELLINGHAM TOWN CLERK

Applicant: Raven Homes, Inc.
22 Buckhill Road
Northboro, MA 01532

Owner: Raven Homes, Inc.
22 Buckhill Road
Northboro, MA 01532

Public Hearing: The Public Hearing opened February 9, 2023 at 7:00 PM. Notice for the public meeting was published in *The Milford Daily News* on January 25, 2023 and February 1, 2023. The Public Hearing was continued to April 27, 2023, May 11, 2023, June 22, 2023, August 10, 2023, September 13, 2023, October 13, 2023, January 11, 2024, January 25, 2024, February 8, 2024, February 22, 2024, March 28, 2024, April 11, 2024 and April 25, 2024 when the Public Hearing was closed.

Date of Vote: April 25, 2024

The Premises: The project, also referred to herein as the "Site", consists of a 15 unit townhome development to be built in five buildings, with associated roadways, landscaping, and infrastructure improvements, utilizing the standards set forth within Bellingham Zoning Bylaw Section 240-101, Special Residential Use, Townhouse Dwellings. The project is located at North Street and Blackstone Street, approximately 20.84+/- acres of land, shown on Assessor's Map 59 Lot 60A zoned Agriculture.

The By-law

Section 240-10, Special Residential Use, Townhouse Dwellings

The Proposal:

To construct a 15 unit townhome development, to be built across five buildings, with associated roadways, landscaping, and infrastructure improvements, utilizing the standards set forth within Bellingham Zoning Bylaw Section 240-101, Special Residential Use, Townhouse Dwellings.

The Proposal was documented with the following materials:

1. Application for Development Plan Review, dated January 17, 2023, including a narrative and project description.
2. Amended Application for Development Plan Review, dated November 16, 2023, including a narrative and project description.
3. Stormwater Management Permit Application, dated January 17, 2023.
4. Special Residential Use Special Permit Application, dated January 17, 2023
5. Certified Abutter's List, Town of Bellingham, dated November 28, 2022.
6. Development Plan and Special Permit North Street and Blackstone Street, by Guerriere and Halnon, Inc., last revised November 10, 2023. (also known as the Approved Plan)
7. Stormwater Report, by Guerriere and Halnon, Inc., last revised November 7, 2023.
8. Traffic Impact Assessment, by Vanasse and Associates Inc., dated October 2022.
9. Traffic Impact Assessment Update, by Vanasse and Associates Inc., dated November 2, 2023.
10. Memo to the Board, Don DiMartino, DPW Director, dated February 3, 2023.
11. Water Supply System Report, by KD Tapping and Testing LLC, dated August 29, 2023.
12. Proposed Floor Plans, by HPA Design, Inc., Sheets T1.1, T1.2, T1.3, dated September 12, 2022
13. Peer Review of Traffic, by Environmental Partners, dated January 17, 2024.
14. Peer Review of Zoning and Stormwater, by Environmental Partners, dated January 12, 2024.
15. Peer Review of Zoning and Stormwater, by Environmental Partners, dated March 19, 2024..

16. Other miscellaneous documents on file at the Planning Board offices.

B. DETERMINATIONS

Following its public hearing on the Applicant's proposal and requested relief, the Planning Board has made the following determinations:

1. The Town of Bellingham Town Meeting in May 2021 removed the Bellingham Zoning Bylaw Section 240-101, Special Residential Use, Townhouse Dwellings. However, prior to Town Meeting the Applicant submitted an Approval Not Required plan, as required by Massachusetts General Law Chapter 41 Section 81P to the Planning Board for a four lot development. The ANR was endorsed on May 18, 2021. The Applicant has now elected to pursue a townhouse development through Planning Board approval. In accordance with Massachusetts General Law (MGL) Chapter 40a Section 6 the Applicant is granted this right, "...when a plan has been submitted to a planning board and written notice of such submission has been given to the city or town clerk, the use of the land shown on such plan shall be governed by applicable provisions of the zoning ordinance or by-law in effect at the time of the submission of such plan while such plan is being processed under the subdivision control law including the time required to pursue or await the determination of an appeal referred to in said section, and for a period of three years from the date of endorsement by the planning board that approval under the subdivision control law is not required, or words of similar import". The Board determined the Applicant has submitted an application for Townhouse Dwellings in a timely manner.
2. The Applicant has sought to construct a Townhome development utilizing the Special Residential Use bylaw. As such the total bedroom count shall be limited. Per 240-101A. Minimum lot area shall be 10,000 square feet per bedroom, but in no case shall lot area be less than 20 acres. The Applicant has proposed 30 bedrooms. The Board has determined that the total bedroom count conforms with the bylaw and the Site shall be limited to no more than 30 bedrooms further conditioned herein.
3. The Applicant has proposed and shall be limited to 15 townhome dwelling units.
4. Such special permit shall be granted only if the Planning Board determines that the proposal would serve Town interests better than would single-family development of the same area, considering the following:

- A. The proposed project shall have a positive municipal financial impact. The internal street and drainage structures of the proposed development shall be privately operated and maintained in perpetuity.
- B. The Project shall provide for an increase in available housing choice options at various price points. Including 10% deed restricted as affordable to median income buyers in perpetuity either on-site or off-site in accordance with Article XXV of the Zoning Bylaws.
- C. That the Project shall provide for housing options to current Bellingham residents who wish to age in place or those seeking first time home buyer options.
- D. That support for local business activity shall be improved by adding an increased density of dwelling units near the Town Center, which is home to the a number of Bellingham small businesses and near Bellingham's major employers.
- E. That the impact on the natural environment, especially on ground and surface water quality and level shall be improved by this development. The proposal allows for significant open space to be maintained in perpetuity and the is surrounding a dense village style development.
- F. That impacts on traffic safety and congestion, adequacy of water service, and need for school facilities have been reviewed and determined to be negligible. The Applicant has worked with the Board to scale the project to appropriate levels of Traffic volumes. DPW has determined Bellingham retains adequate capacity for water and the townhomes are designed to be two bedroom to attract aging in place or starter homes, which shall limit school age children's overall impact of the school system.
- G. That impacts on the visual environment through preservation or displacement of visual assets, and consistency with existing development in the area was improved by added screening around the perimeter of the Site and preserved open space.

C. DECISION

Based on the above determinations, the Planning Board finds that the proposal meets the requirements of the Zoning By-Law, and by a vote of _ to _ in favor, accordingly, grants the Applicant and its successors and assigns as owner of the premises, a Special Residential Use Special Permit subject to the following conditions:

1. This Approval is limited to the improvements as noted on the Approved Plan, to a townhome residential use, and as may be conditioned herein. The Project shall contain no greater than 15 townhome dwelling units with 30 bedrooms. Any changes to such Plan must be reviewed and approved in accordance with the Bellingham Zoning By-laws. All such changes shall be reviewed by the Board for determination as to whether or not the changes are considered minor or major. If the Planning Board determines that any change to the plan is a major alteration to the Approved Plan, a public hearing shall be required for a modification to this permit. A minor change shall be reviewed and approved at a regularly scheduled meeting.
2. Prior to commencement of construction the Developer shall furnish guarantees to the Planning Board as provided in the Subdivision Regulations that except as otherwise expressly provided in M.G.L. c. 41, Section 81U, 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 under §81U in lieu of completion has been accepted by the Planning Board. 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 but the actual form of such instrument is subject to the prior review and approval of Town Counsel.
3. The Project requires an Inclusionary Housing Special Permit. No Occupancy Permit shall be issued until the Applicant has submitted a Special Permit application to the Planning Board in accordance with Article XXV of the Zoning Bylaws and received approval of the same. Subject to the availability of off-site units, the Applicant may submit Inclusionary Housing Special Permit applications for off-site units to the Board for review and approval. Any affordable units provided on site shall be similar in kind to the market rate units in the Approved subdivision. All affordable units must qualify for inclusion on the Subsidized Housing Inventory and be subject to appropriate deed restrictions such as an Affordable Housing Restriction.

4. 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. The Limit of Work shall be delineated prior to disturbance of land. The Limit of Work shall be inspected prior to Building Permit by the Town Planner.
5. The hours of operation for any construction or staging activities on-site shall be Monday through Friday, from 7:00 am to 6:00 pm. Construction activity shall also be permitted on Saturdays from 9:00 am to 6:00 pm. These activities shall include all equipment on site shall not start up or remain on before or after the hours listed above. 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. No idling for longer than 5 minutes, if vehicles and equipment are not in operation.
6. All construction related parking shall be conducted on-site. No parking of any vehicle associated with the Project shall park on a public way, including those vehicles arriving early. There shall be no staging of vehicles on a public way. All vehicles associated with the Project shall enter into the temporary construction entrance and park within the construction fencing at all times.
7. If construction activity ceases for longer than 30 days, for any reason, then written notice shall be provided by the Applicant to the Building Commissioner at least 48 hours before resuming work. 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.
8. If construction is temporarily suspended, for any reason, 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.
9. Utilities within the Site, including but not necessarily limited to electric, cable and telephone, shall be located underground.
10. 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.

11. 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.
12. 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 except for fencing surrounding garbage facilities which shall not include a gap from the ground surface.
13. 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.
14. Prior to the issuance of a Building Permit, the Applicant shall conduct a minimum of three test pits in the proposed drainage structures. The test pits shall be witnessed by a representative of the Town. The review shall be provided to the Town Planner and Building Inspector to confirm suitability of the material, design and construction protocol(s) for its intended use. At completion, the Applicant shall certify to the Town, that the basin was constructed accurately, per the Approved Plan. Any concerns or discrepancies discovered by the Town or their representative that cannot be resolved between both parties shall be referred to the Planning Board at a regularly scheduled meeting for determination.
15. 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), last revised November 7, 2023, 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.
16. Snow and ice removal shall be the responsibility of the Applicant or a successor and in accordance with the approved Operation and Maintenance Plan. All snow removal shall remain on Site. No snow shall be plowed on a public way.

17. Fertilizers containing phosphorous are prohibited and shall not be used with in the site.
18. The Applicant and its successors 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.
19. 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.
20. § 240-99 Long-term compliance. Subsequent to approval, no land therein shall be sold and no lot line or structure altered from that shown on the plan so as to increase the extent of nonconformity with the standard dimensional regulations of this bylaw. Prior to the sale of any unit within a development, or issuance of a building permit for construction therein, such lot(s) shall be shown on a plan recorded in the Registry of Deeds or registered with the Land Court.
21. 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 final occupancy permit, such approval shall not be unreasonably withheld.
22. This Decision is binding on the Applicant's successors, assigns, agents, and employees. This approval shall insure to the benefit of and binding upon Raven Homes, Inc., provided there is no change in use for the Premises. The Planning Board shall be notified in writing within ten days of any changes in affiliates and successors in title and additional users of the Premises.
23. All determination, Decisions, and conditions set forth within the Development Plan Approval and Stormwater Management Permit, dated April 25, 2024, are

hereby incorporated herein. Any violation of such conditions shall constitute a violation of this Permit.

24. The Applicant shall comply with §240-16B(5) and (6) regarding As-Built Plans and follow the policies of the As-Built handbook.
25. 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.

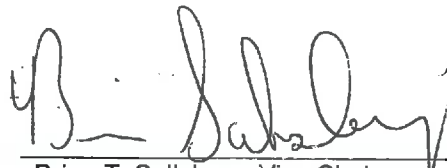
D. RECORD OF VOTE

I vote to **APPROVE** the **NORTH AND BLACKSTONE TOWNHOMES SPECIAL RESIDENTIAL USE SPECIAL PERMIT.**

Bellingham Planning Board

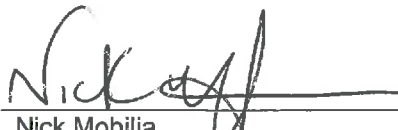
April 25, 2024


William F. O'Connell, Jr., Chairman


Brian T. Salisbury, Vice Chairman


Philip Devine


Dennis J. Trebino


Nick Mobilia

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 April 26, 2024

Lawrence J. Sposato, Jr.
Bellingham Town Clerk