



BELLINGHAM PLANNING BOARD

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

CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN Hartford Avenue January 9, 2025

A. BACKGROUND

Applicant: W/S Bellingham IV Associates, LLC
33 Boylston Street, Suite 3000
Chestnut Hill, MA 02467

Owner: Bellingham N Main St II, LLC.
33 Boylston Street, Suite 3000
Chestnut Hill, MA 02467

Hartford Ave Associates LTD PTS
33 Boylston Street, Suite 3000
Chestnut Hill, MA 02467

Varney Bros Sand + Gravel
P.O. Box 94
Bellingham, MA 02019

W/S Bellingham IV Associates, LLC
33 Boylston Street, Suite 3000
Chestnut Hill, MA 02467

Public Hearing: The Public Hearing opened December 12, 2024 at 7:00 PM.
Notice for the public meeting was published in *The Milford Daily News* on November 28, 2024 and December 5, 2024. The Public Hearing was continued to January 9, 2025, when the Public Hearing was closed.

Date of Vote: January 9, 2025

The Premises: The Subdivision, also referred to herein as the "Site" or the "Plan", consists of consolidating the five (5) existing lots, creating two (2) new lots, and constructing a 170 +/- foot roadway. The Subdivision is comprised of five (5) existing parcels, totaling 194 +/- acres, show on Assessors Map 24-10-00, 24-12-00, 24-16-00,

RCV JAN 10 '25 AM 9:49:47
BELLINGHAM TOWN CLERK

30-73-01, and 31-03-00, with portions zoned Industrial, Business 2, and Suburban.

The By-law

Section 245-10, Subdivision Regulations, Definitive Plan

The Proposal:

To construct a 176-foot cul-de-sac to allow access for two (2) proposed lots, consisting of 24.8+/- acres and 170.0+/- acres.

The Proposal was documented with the following materials:

1. Application for Definitive Subdivision, dated November 4, 2024, including a narrative and project description.
2. Certificate of Ownership, dated November 4, 2024.
3. Certificate of Municipal Taxes and Charges Paid for all five (5) parcels, dated October 31, 2024.
4. Certified Abutter's List, Town of Bellingham, dated October 10, 2024.
5. Definitive Plan – WS Development, Bellingham, MA, by Bohler, last revised October 24, 2024. (also known as the Approved Plan)
6. Technical Staff Memo, Robert Lussier, Director of Planning & Engineering, dated December 2, 2024.
7. Other miscellaneous documents on file at the Planning Board offices.

B. DETERMINATIONS

1. As stated in the submitted project narrative, the Applicant has submitted the Definitive Subdivision Application principally in order to effectuate the zoning freeze process commenced by the filing of the Preliminary Plan pursuant to G.L. c.40A, Section 6 in order to preserve its rights to construct the previously approved warehouse authorized under the regulations of the Town of Bellingham Zoning Bylaws applicable at that time. The Applicant has also stated that it currently has no present intent to construct the Subdivision as shown. As a result, at the present time the Applicant is coordinating the Definitive Subdivision process, however, has elected to undergo the Development Plan Approval process at a future date in the case it elects to proceed with constructing the Subdivision.
2. Completeness and technical adequacy of all submissions have been reviewed and confirmed to either meet the Bellingham Zoning Bylaws and the Rules and Regulations Governing the Subdivision of Land for the Town of Bellingham, or relief has been granted and the decision has been conditioned to require additional coordination through the Development Plan Approval process.
3. The Board has determined that the Definitive Subdivision at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the

development or of others because of possible natural disasters, traffic hazard or other environmental degradation. In order to proceed with construction, the proposal will require additional permitting with the Planning Board through the Development Plan Approval process.

4. Access meets and exceeds standards as provided by Subdivision Regulations §245-6 or relief has been granted.

C. CONDITIONS OF APPROVAL

Approval is granted on the condition that prior to endorsement of the Planning Board's approval the Applicant shall furnish guarantees to the Planning Board in the form of a covenant agreement executed by the Applicant as provided in the Subdivision Regulations that except as otherwise expressly provided in G.L. c. 41, Section 81-U, no lot included in the subdivision shall be built upon or conveyed until the work on the ground necessary to serve such lot has been completed in the manner specified by the Subdivision Regulations of the Town of Bellingham or a performance bond or other security in lieu of completion has been accepted by the Planning Board. 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.

The Plan is approved with the following additional specific conditions:

I. General Conditions

1. Prior to construction, the Applicant shall submit an application for Development Plan Approval in accordance with §240-16 of the Bellingham Zoning Bylaws. This Decision shall not interfere or bypass any of the decision standards as noted in §240-19.
2. Prior to construction, the Applicant shall coordinate any additional required submittals with the Town Planner, Building Commissioner, and Fire Chief.
3. Prior to construction, the Applicant shall provide stormwater management, erosion control, and construction detail information consistent with §240-10.A(1) of the Town of Bellingham Subdivision Regulations. Information submitted and approved through the Development Plan Approval process will satisfy this condition.
4. Prior to construction, the Applicant shall coordinate public safety access & egress for any proposed buildings located on the proposed two (2) lots.
5. Prior to construction, the Applicant shall provide soil test information in accordance with §245-10.A(1)(e) of the Town of Bellingham Subdivision Regulations.
6. Prior to construction, the Applicant shall coordinate and obtain approvals for proposed sanitary waste facilities with the Board of Health or any other applicable approving authority.

7. Future development of the parcels shown on the Plan may require additional permitting and are subject to the use criteria of Article V of the Town of Bellingham Zoning Bylaws. Pre-application coordination with the Bellingham Planning Department is recommended for any future development of the parcels.
8. This Approval is limited to the improvements as noted on the Plan, and as may be conditioned herein. Any changes to such Plan shall be reviewed and approved in accordance with the Bellingham Zoning Bylaws and Subdivision Rules and Regulations. 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 Decision.
9. A Planning Board or DPW representative (i.e., inspector and/or engineer) shall be charged with general oversight over the construction activities associated with the Subdivision. In this capacity, the representative shall, during periods of active construction, conduct periodic inspections as reasonably necessary to ascertain the status and nature of work at the site and provide reports to the DPW and Planning Board. In addition, the Applicant shall also provide the representative with any pertinent photographs, logs, data or other information that may be helpful in the monitoring process.
10. The Planning Board or DPW's representative and the Town Counsel's reasonable fees for any services contemplated hereunder shall be paid by the Applicant in the manner prescribed by G.L. c. 44, §53G. The Applicant shall also pay for all third party inspections of project infrastructure, as may be reasonably required by the DPW or the Planning Board.
11. The Applicant shall strictly adhere to any and all agreements by and between it and the Town of Bellingham. Any breach of such agreements shall constitute a violation of the terms of this Decision.
12. The hours of operation for any construction or staging activities on-site associated with development upon the parcels established by the Plan 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.
13. This Decision shall not be valid until recorded with the Norfolk County Registry of Deeds and evidence of such recording is provided to the Planning Board and the Inspector of Buildings.
14. All easements and restrictions that may be necessary to complete and occupy any development on the parcels established by the Approved Plan shall be in a form approved by the Town Counsel.

15. 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.

II. Phases of Construction

The Subdivision shown on the Plan shall be constructed in one phase. All proposed improvements including construction of all ways and installation of municipal services for each lot in accordance with the Plan and the applicable Rules and Regulations Governing the Subdivision of Land for the Town of Bellingham are to be completed within a period of 8 years from this date, provided that, for good cause shown, the Applicant may seek reasonable extensions, which the Board may review and approve administratively without need for a public hearing.

III. Commencement of Construction

Commencement of construction associated with development upon the parcels established by the Plan shall begin within five years following the date of approval of this Decision. "Date of approval" is hereby defined as the date this Decision is certified by the Town Clerk that 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. As used herein, "commencement of construction" is hereby defined as any clearing or preparation of the Site for development of the project approved herein.

IV. Prior to Plan Endorsement

As per G.L. Chapter 41 Section 81U an applicant shall provide a fully executed security agreement. The amount of such security shall be established by the Director of the Department of Public Works and the agreement shall be in a form approved by the Planning Board, which may seek advice of the Town Counsel, such approval not to be unreasonably withheld. The Planning Board shall review and approve both the amount and agreement prior to endorsement of the Plan.

V. Prior To Construction

1. The Applicant shall notify the Department of Public Works and the Planning Board in writing no later than 30 days prior to the start of construction to schedule a pre-construction meeting with the Applicant and the contractor(s). If at any point individual lots are to be sold to a party or parties not affiliated with the Applicant or their successors, the party or parties not affiliated with the Applicant or their successors shall be required to have a preconstruction meeting with the Building Inspector and Town Planner prior to the issuance of a Building Permit for each and every lot the party is applying for.
2. A Stormwater Pollution Prevention Plan shall be provided to the Planning Board for review and approval.

BELLINGHAM PLANNING BOARD

VI. Prior to Issuance of First Building Permit

Prior to approval of Building Permits for any structures within the subdivision the following shall have been completed:

1. The location of all street trees shall be clearly marked in the location where the tree is to be planted as per §245-15C(2)(f)(4). Any existing trees to be kept will be inspected by the Bellingham Tree Warden. A Landscape Plan shall be submitted to the Planning Board prior to construction and shall be reviewed and approved during a regularly scheduled meeting of the Board.

VII. Prior to Issuance of First Building Occupancy Permit

Prior to application for Occupancy Permits for any structures within the Subdivision, the following shall have been completed:

1. Driveway aprons have been surfaced with a binder course of pavement for the lot that is to be occupied as shown on the plans.
2. Tree, stump, brush, blasted rock or other debris created by the construction of the public improvement have been removed from the lot that is to be occupied.
3. The DPW has signed off on the building card for each lot on which occupancy permits are sought verifying that the development of the lot has not resulted in any damage to the roadway or facilities since the performance bond or security deposit was established and has maintained the Street and "Not Public Way" signs.
4. The Applicant has abided by all requirements of the Rules and Regulations Governing the Subdivision of Land for the Town of Bellingham.

VIII. Completion of Construction

Failure of the Applicant to complete the construction in the time noted above shall result in an automatic lapse of this approval, unless otherwise extended by the Planning Board at the request of the Applicant. An extension request shall be made at least 30 days prior to expiration of this Decision.

IX. Prior To Release of Final Security

The following shall have been completed prior to release of final security (if any).

1. The Planning Board shall determine compliance with the written conditions as outlined in the section entitled "General Conditions" above.

2. Arrangement satisfactory to Planning Board on advice of the Director of Public Works shall be made to secure permanent maintenance of the stormwater management system. Such maintenance shall be administered and completed by the Applicant or its agent in perpetuity. The Applicant shall provide proof of an executed binding agreement obligating the Applicant or its agent to perform such maintenance unless or until the road together with stormwater management is accepted by the Town.
3. Record plans. Upon completion of construction, and before release of the final security, the Applicant shall prepare and submit stamped As-Built Plans for review and approval as to conformance with the Approved Plan.

Respectfully submitted,



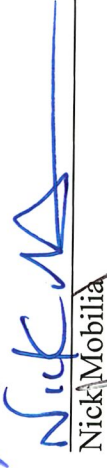
William F. O'Connell, Chairman



Brian T. Salisbury, Vice Chairman



Philip M. Devine



Nick Mobilia



Stephen Goyette

Planning Board

Date: