

WALL STREET DEVELOPMENT CORP.
REAL ESTATE DEVELOPERS

HAND DELIVERED

November 20, 2025

Ms. Amy Bartelloni, Town Clerk
Town of Bellingham
10 Mechanic Street
Bellingham, MA 02019

RE: Prospect Hill Village - Planning Board Decision dated October 23, 2025
Development Plan Approval - Article III, Section 240-15 and 240-16
Stormwater Management Permit - Article IX, Section 240-54
Notice of Appeal - Section 240-16.B.(3) of the Bellingham Zoning Bylaws

Dear Madam Town Clerk:

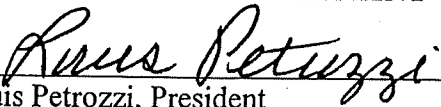
Attached for filing is the above referenced Notice of Appeal pursuant to Section 240-16.B.(3) of the Bellingham Zoning Bylaws of a certain Planning Board decision filed with your office on October 24, 2025. A copy of the Notice of Appeal is attached hereto.

Please forward a copy of this document to the Bellingham Zoning Board of Appeals as outlined in Section 240-16.B.(3) of the Bylaw.

Thank you for your attention in this matter.

Sincerely,

WALL STREET DEVELOPMENT CORP.



Louis Petrozzi, President

cc. Jason R. Talerman, Esq. – Mead, Talerman & Costa, LLC

P.O BOX 272, WESTWOOD, MA 02090
TEL. 781 440 0306 CELL. 617 922 8700
EMAIL Lou@wallstreetdevelopment.com
www.wallstreetdevelopment.com



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 657-2893 ZoningBoard@bellinghamma.org

SPECIFY TYPE OF APPLICATION

(circle)

**** Appeal pursuant to Section 240-16.B.(3) of the Bylaw ****

Appeal

Special Permit

Variance

APPEAL OF BUILDING INSPECTORS DECISION:

☐ Please attach a copy of the Building Inspector's letter/decision.

SPECIAL PERMIT: (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Principal Use | <input type="checkbox"/> Non-Conforming Situation | |
| <input type="checkbox"/> Accessory Use | <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Flood Plain |
| <input type="checkbox"/> Multi-Family Housing | <input type="checkbox"/> Earth Removal | <input type="checkbox"/> Comprehensive Permit |
| | | <input type="checkbox"/> Family Apartment <input type="checkbox"/> Other |

VARIANCE: (check all that apply)

- | | | |
|---|---------------------------------------|--|
| <input type="checkbox"/> Rear Yard Setback | <input type="checkbox"/> Area | <input type="checkbox"/> Lot Width |
| <input type="checkbox"/> Side Yard Setback | <input type="checkbox"/> Lot Frontage | <input type="checkbox"/> Percent Area Building |
| <input type="checkbox"/> Front Yard Setback | | |

Petitioner:(type/print): Louis Petrozzi, President

Signature *Louis Petrozzi*

Email: lou@wallstreetdevelopment.com

Address P.O. Box 272, Westwood, MA 02090 Phone: 617-922-8700

Property Owner: Wall Street Development Corp.

Signature *Louis Petrozzi*

Email: lou@wallstreetdevelopment.com

Address: P.O. Box 272, Westwood, MA 02090 Phone: 617-922-8700

Address of Subject Premises: _____

If no address, description of Property: 72 +/- acres off Lake Street & Prospect Street in Franklin -
Assessor Map 69, Lot 87, Map 65 Lot 20, 22, 22-01 and 22-02



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 657-2893 ZoningBoard@bellinghamma.org

Dimensions of Lot:

Frontage: ____

Depth: ____

Area: ____

Lot Width: ____

Zoning District(s) subject premises located: ____

Assessor's Map: 69 **Lot:** 87 **Map:** 65 Lot 20, 22, 22-01 and 22-02

Describe proposed activity:

See attached memorandum

Are there any buildings on the premises (if so, please describe them including their dimension)? N/A

Describe the subject premises (terrain, septic system, description of area, etc.) N/A

How long have you owned the subject premises? 2021 **What is the present use of the subject premises?** Vacant Land

State grounds for the Special Permit/Variance or Appeal: (please be specific)

Appeal pursuant to Section 240-16.B.(3) of the Bylaw challenging the improper decision of the Planning Board under Article III, Section 240-15 and 240-16 - Development Plan Approval and Article IX, Section 240-54 - Stormwater Management.

I attest that I, to the best of my knowledge, have not paid all real estate taxes, excise taxes, license and/or permit fees.

Owner: Wall Street Development Corp.

Signature Russ Pettingill Date 11/20/25

Applicant: Same

Signature Russ Pettingill Date 11/20/25

Effective 8/2017

Please note: This application cannot be processed unless initialed by the Town Collector:
Town Collector: _____ Date: _____

WALL STREET DEVELOPMENT CORP.

P.O. BOX 272
WESTWOOD, MA 02090-0272
TEL. (781) 440-0306



4722

53-7353/2113

11/20/2025

PAY TO THE
ORDER OF

Bellingham - Town of

\$ **100.00

One Hundred and 00/100*****

DOLLARS

Bellingham - Town of
10 Mechanic Street
Bellingham, MA 02019

MEMO

Prospect Hill Village - Planning Board/ZBA Appeal



[Signature]
AUTHORIZED SIGNATURE

⑈004722⑈ ⑆211373539⑆ 591693504⑈

Security features. Details on back.



TOWN OF BELLINGHAM

Assessment Administration Office
Municipal Center - 10 Mechanic Street
Bellingham, Massachusetts 02019
508-657-2862 * FAX 508-657-2894
Email: Assessors@bellinghamma.org
www.bellinghamma.org

November 14, 2025

THE PROPERTY OWNERS LISTED HEREIN ARE THE KNOWN ABUTTERS TO
THE PROPERTY OWNERS:

300 Feet Abutters – Zoning Board – Map 65 Parcel 20, 22
Map 69 Parcel 87

Property Address(es): 137 Lakeview Ave. (Map 65 Parcel 20)
South Maple St. (Map 65 Parcel 22)
Lake St (Map 69 Parcel 87)

Owner(s) of Record: Wall Street Development Corp.
2 Warthin Cr
Norwood, MA 02062

Wall Street Development Corp.
PO Box 272
Westwood, MA 02090

Requested: Wall Street Development Corp.
PO Box 272
Westwood, MA 02090

ABUTTERS ATTACHED

Certified: Michelle Nowlan
Michelle Nowlan, Principal Clerk

pd 11.12.25

TOWN OF BELLINGHAM
ASSESSMENT ADMINISTRATION OFFICE
Bellingham Municipal Center
10 Mechanic St.
BELLINGHAM, MA 02019
PHONE (508) 657-2862 FAX (508) 657-2894

Date of Application November 12, 2025

REQUEST FOR LIST OF ABUTTERS

A \$20.00 Fee PER LIST is required to process your request. Payment is due at the time of submission of this form. Fees apply to the preparation of a new list or verification or reverification on an existing or expired list. Please allow up to 10 business days from the date of payment and submission of the form for the Assessors office to complete the processing of your request. Checks/Money Orders are made out to: "The Town of Bellingham". Cash payments are accepted in person.

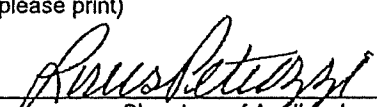
Please indicate with a check

- ☐ Immediate Abutters-Selectboard
- ☒ Abutter to Abutter within 300 feet -Zoning Board
- ☐ Abutter to Abutter within 300 feet -Planning Board
- ☐ Abutters withing 100 feet - Conservation Commission
- ☐ Other – please specify:

Map Map 65/Map 69 Parcel(s) Lot 20 and 22/ Lot 87

Wall Street Development Corp. Off Lake & Prospect Street

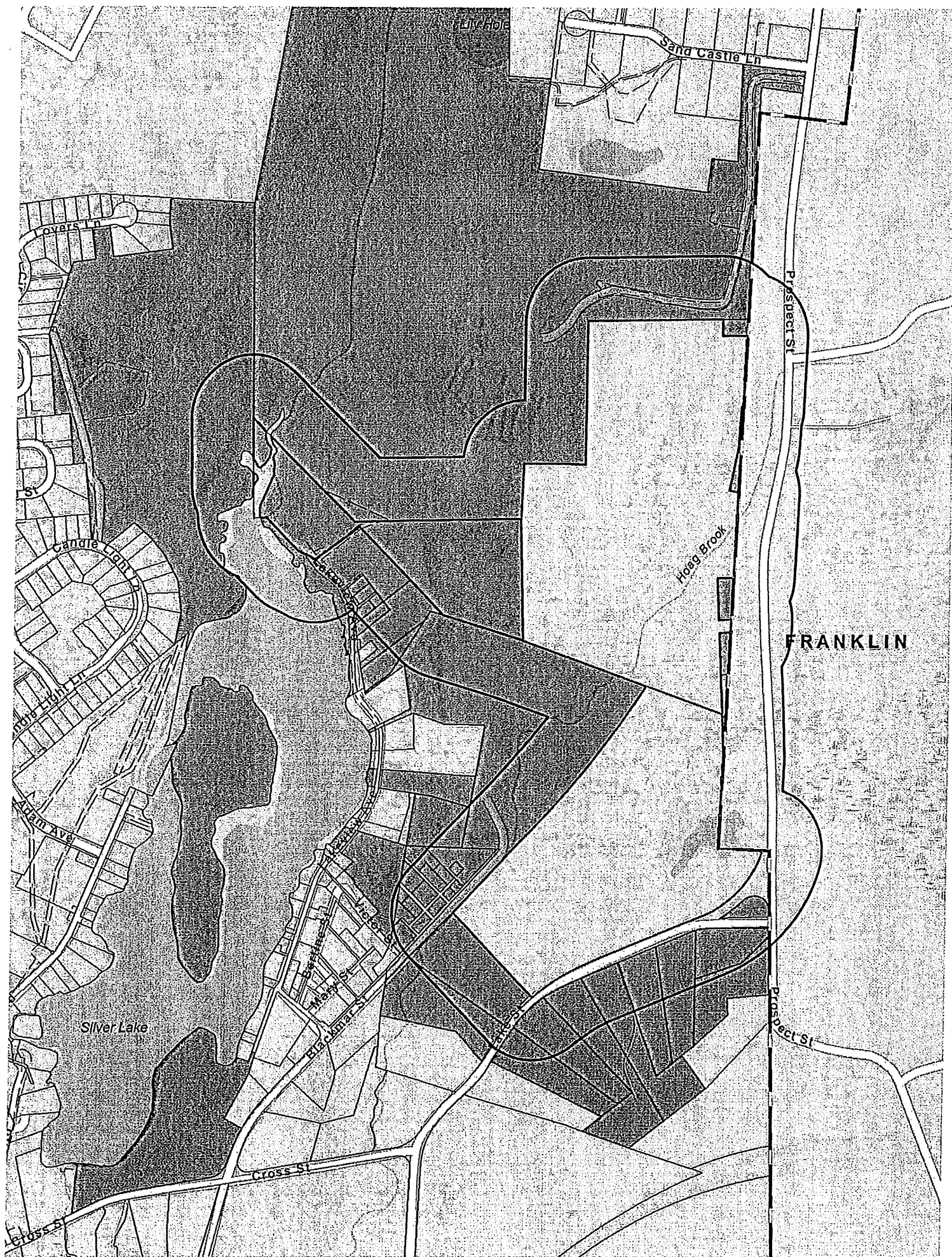
Applicant (please print) Location of Property


Signature of Applicant

P.O. Box 272, Westwood, MA 02090 617-922-8700

Mailing Address of Applicant Telephone Number

ABUTTERS LIST IS VALID FOR THIRTY (30) DAYS AFTER COMPLETION





300 feet Abutters List Report

Bellingham, MA
November 14, 2025

Subject Properties:

Parcel Number: 0065-0020-0000	Mailing Address: WALL STREET DEVELOPMENT CORP.
CAMA Number: 0065-0020-0000	2 WARTHIN CR
Property Address: 137 LAKEVIEW AV	NORWOOD, MA 02062

Parcel Number: 0065-0022-0000	Mailing Address: WALL STREET DEVELOPMENT CORP
CAMA Number: 0065-0022-0000	PO BOX 272
Property Address: SOUTH MAPLE ST	WESTWOOD, MA 02090

Parcel Number: 0069-0087-0000	Mailing Address: WALL STREET DEVELOPMENT CORP
CAMA Number: 0069-0087-0000	PO BOX 272
Property Address: LAKE ST	WESTWOOD, MA 02090

Abutters:

Parcel Number: 0061-001A-0000	Mailing Address: TOWN OF BELLINGHAM ACCESS TO
CAMA Number: 0061-001A-0000	LANDFILL
Property Address: 119 SOUTH MAPLE ST	10 MECHANIC STREET
	BELLINGHAM, MA 02019

Parcel Number: 0064-0212-000B	Mailing Address: SOUTH CENTER REALTY LLC
CAMA Number: 0064-0212-000B	120 QUARRY BD
Property Address: CELESTIAL CR	MILFORD, MA 01757

Parcel Number: 0065-0001-0000	Mailing Address: TOWN OF BELLINGHAM
CAMA Number: 0065-0001-0000	CONSERVATION COMMISSION
Property Address: LAKEVIEW AV	10 MECHANIC STREET
	BELLINGHAM, MA 02019

Parcel Number: 0065-0006-0000	Mailing Address: ARIZAN, GABRIELA
CAMA Number: 0065-0006-0000	89 LAKEVIEW AV
Property Address: 89 LAKEVIEW AV	BELLINGHAM, MA 02019

Parcel Number: 0065-0008-0000	Mailing Address: RAMOS, ANDRE DE OLIVEIRA FRAGA,
CAMA Number: 0065-0008-0000	SAMANTA KALLINY
Property Address: 97 LAKEVIEW AV	97 LAKEVIEW AV
	BELLINGHAM, MA 02019

Parcel Number: 0065-0009-0000	Mailing Address: TOWN OF BELLINGHAM
CAMA Number: 0065-0009-0000	CONSERVATION COMMISSION
Property Address: LAKEVIEW AV	10 MECHANIC STREET
	BELLINGHAM, MA 02019

Parcel Number: 0065-0011-0000	Mailing Address: QUARRY DEVELOPMENT LLC
CAMA Number: 0065-0011-0000	180 MAIN ST
Property Address: LAKEVIEW AV	BLACKSTONE, MA 01504



www.cai-tech.com

11/14/2025

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

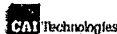
Page 1 of 5



300 feet Abutters List Report

Bellingham, MA
November 14, 2025

Parcel Number: 0065-0012-0000 CAMA Number: 0065-0012-0000 Property Address: LAKEVIEW AV	Mailing Address: QUARRY DEVELOPMENT LLC 180 MAIN ST BLACKSTONE, MA 01504
Parcel Number: 0065-0014-0000 CAMA Number: 0065-0014-0000 Property Address: LAKEVIEW AV	Mailing Address: QUARRY DEVELOPMENT LLC 180 MAIN ST BLACKSTONE, MA 01504
Parcel Number: 0065-0015-0000 CAMA Number: 0065-0015-0000 Property Address: LAKEVIEW AV	Mailing Address: QUARRY DEVELOPMENT LLC 180 MAIN ST BLACKSTONE, MA 01504
Parcel Number: 0065-0017-0000 CAMA Number: 0065-0017-0000 Property Address: LAKEVIEW AV	Mailing Address: QUARRY DEVELOPMENT LLC 180 MAIN ST BLACKSTONE, MA 01504
Parcel Number: 0065-0019-0000 CAMA Number: 0065-0019-0000 Property Address: 107 LAKEVIEW AV	Mailing Address: CADORET, KATHERINE L & CADORET II, STEVEN M 107 LAKEVIEW AV BELLINGHAM, MA 02019
Parcel Number: 0065-0020-0000 CAMA Number: 0065-0020-0000 Property Address: 137 LAKEVIEW AV	Mailing Address: WALL STREET DEVELOPMENT CORP. 2 WARTHIN CR NORWOOD, MA 02062
Parcel Number: 0065-0022-0001 CAMA Number: 0065-0022-0001 Property Address: SOUTH MAPLE ST	Mailing Address: 456 PURCHASE STREET LLC 5 EXCHANGE ST - 2D FL MENDON, MA 01756
Parcel Number: 0065-0022-0002 CAMA Number: 0065-0022-0002 Property Address: SOUTH MAPLE ST	Mailing Address: ALMEIDA, VINICIUS & EMMANUELLE 365 PROSPECT ST FRANKLIN, MA 02038
Parcel Number: 0065-0022-0003 CAMA Number: 0065-0022-0003 Property Address: SOUTH MAPLE ST	Mailing Address: LEBLANC, MICHAEL & JULIE 373 PROSPECT ST FRANKLIN, MA 02038
Parcel Number: 0065-0022-0004 CAMA Number: 0065-0022-0004 Property Address: SOUTH MAPLE ST	Mailing Address: CHANDRASHEKARAPURAM MAHESH KOMARAPPAGARI SRUTI 381 PROSPECT ST FRANKLIN, MA 02038
Parcel Number: 0065-0022-0005 CAMA Number: 0065-0022-0005 Property Address: SOUTH MAPLE ST	Mailing Address: VARSANI, SPARSH J & VARSHA 393 PROSPECT ST FRANKLIN, MA 02038
Parcel Number: 0065-0022-0006 CAMA Number: 0065-0022-0006 Property Address: SOUTH MAPLE ST	Mailing Address: LUNA, ARTHUR M & CHRISTINA S 399 PROSPECT ST FRANKLIN, MA 02038



www.cai-tech.com

11/14/2025

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

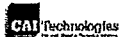
Page 2 of 5



300 feet Abutters List Report

Bellingham, MA
November 14, 2025

Parcel Number: 0065-009A-0000 CAMA Number: 0065-009A-0000 Property Address: LAKEVIEW AV	Mailing Address: QUARRY DEVELOPMENT LLC 180 MAIN ST BLACKSTONE, MA 01504
Parcel Number: 0065-022A-0000 CAMA Number: 0065-022A-0000 Property Address: MAPLE ST	Mailing Address: TOWN OF BELLINGHAM SANITARY LAND FILL 10 MECHANIC STREET BELLINGHAM, MA 02019
Parcel Number: 0069-0030-0000 CAMA Number: 0069-0030-0000 Property Address: LAKEVIEW AV	Mailing Address: COLLAMATI, EDWARD J 358 BROADWAY PRUDENCE ISLAND, RI 02872
Parcel Number: 0069-0031-0000 CAMA Number: 0069-0031-0000 Property Address: VEKEMAN ST	Mailing Address: TOWN OF BELLINGHAM CONSERVATION COMMISSION 10 MECHANIC STREET BELLINGHAM, MA 02019
Parcel Number: 0069-0034-0000 CAMA Number: 0069-0034-0000 Property Address: LAKEVIEW AV	Mailing Address: PETRIN, ELPHEGE LAFONTAINE, THERESA 281 AVENUE A WOONSOCKET, RI 02895
Parcel Number: 0069-0035-0000 CAMA Number: 0069-0035-0000 Property Address: CROOKS AV	Mailing Address: VARNEY BROS SAND + GRAVEL PO BOX 94 BELLINGHAM, MA 02019
Parcel Number: 0069-0037-0000 CAMA Number: 0069-0037-0000 Property Address: LAKEVIEW AV	Mailing Address: PETRIN, ELPHEGE LAFONTAINE, THERESA 281 AVENUE A WOONSOCKET, RI 02895
Parcel Number: 0069-0038-0000 CAMA Number: 0069-0038-0000 Property Address: LAKEVIEW AV	Mailing Address: KOBACK, THOMAS S 56 DIVISION ST WOONSOCKET, RI 02895
Parcel Number: 0069-0039-0000 CAMA Number: 0069-0039-0000 Property Address: LAKEVIEW AV	Mailing Address: TOWN OF BELLINGHAM CONSERVATION COMMISSION 10 MECHANIC STREET BELLINGHAM, MA 02019
Parcel Number: 0069-0042-0000 CAMA Number: 0069-0042-0000 Property Address: LAKEVIEW AV	Mailing Address: ARCAND, ROLAND JR 522 GATEHOUSE LN FRANKLIN, MA 02038
Parcel Number: 0069-0043-0000 CAMA Number: 0069-0043-0000 Property Address: LAKEVIEW AV	Mailing Address: KOBACK, THOMAS S 56 DIVISION ST WOONSOCKET, RI 02895
Parcel Number: 0069-0044-0000 CAMA Number: 0069-0044-0000 Property Address: LAKEVIEW AV	Mailing Address: ESTATE OF GERALD BURKE ATTN: CYNTHIA JEAN BURKE PO BOX 1169 S CHATHAM, MA 02659-1169



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

11/14/2025

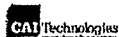
Page 3 of 5



300 feet Abutters List Report

Bellingham, MA
November 14, 2025

Parcel Number: 0069-0045-0000 CAMA Number: 0069-0045-0000 Property Address: LAKEVIEW AV	Mailing Address: KOBACK, THOMAS S 56 DIVISION ST WOONSOCKET, RI 02895
Parcel Number: 0069-0088-0000 CAMA Number: 0069-0088-0000 Property Address: 525 LAKE ST	Mailing Address: BAJRUSHI, AGBI & BRESNAHAN, HOPE 525 LAKE ST BELLINGHAM, MA 02019
Parcel Number: 0069-028C-0000 CAMA Number: 0069-028C-0000 Property Address: LAKEVIEW AV	Mailing Address: KOBACK, THOMAS S 56 DIVISION ST WOONSOCKET, RI 02895
Parcel Number: 0069-086B-0000 CAMA Number: 0069-086B-0000 Property Address: 472 LAKE ST	Mailing Address: TAYLOR, BRIAN & MELISSA M 472 LAKE ST BELLINGHAM, MA 02019
Parcel Number: 0069-086C-0000 CAMA Number: 0069-086C-0000 Property Address: 468 LAKE ST	Mailing Address: ARRUDA, DIANE COPPENWRATH, KAYCEE 468 LAKE ST BELLINGHAM, MA 02019
Parcel Number: 0069-088A-0000 CAMA Number: 0069-088A-0000 Property Address: 523 LAKE ST	Mailing Address: CLUNE, RICHARD J JR & JILL 523 LAKE ST BELLINGHAM, MA 02019
Parcel Number: 0069-088B-0000 CAMA Number: 0069-088B-0000 Property Address: 521 LAKE ST	Mailing Address: HALLORAN, MARY S 521 LAKE ST BELLINGHAM, MA 02019
Parcel Number: 0069-088C-0000 CAMA Number: 0069-088C-0000 Property Address: 519 LAKE ST	Mailing Address: PETIT FAMILY REVOCABLE TRUST 2 PETIT, THEODORE E JR - TR & 519 LAKE ST BELLINGHAM, MA 02019
Parcel Number: 0069-088D-0000 CAMA Number: 0069-088D-0000 Property Address: 517 LAKE ST	Mailing Address: 2025 LEGENZA FAMILY REVOCABLE LEGENZA, MICHAEL W & LINDA A 517 LAKE ST BELLINGHAM, MA 02019
Parcel Number: 0069-088E-0000 CAMA Number: 0069-088E-0000 Property Address: 515 LAKE ST	Mailing Address: DUGAN, KATHRYN & WILLIAM P 515 LAKE ST BELLINGHAM, MA 02019
Parcel Number: 0069-088F-0000 CAMA Number: 0069-088F-0000 Property Address: 513 LAKE ST	Mailing Address: MOREAU, THOMAS E JR REEN, AMIE E 513 LAKE ST BELLINGHAM, MA 02019
Parcel Number: 0069-088I-0000 CAMA Number: 0069-088I-0000 Property Address: 295 PROSPECT ST	Mailing Address: DICK, FRANCIS & LINDSAY 295 PROSPECT ST FRANKLIN, MA 02038



www.cai-tech.com

11/14/2025

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Page 4 of 5



300 feet Abutters List Report

Bellingham, MA
November 14, 2025

Parcel Number: 0072-0025-0000
CAMA Number: 0072-0025-0000
Property Address: 100 CROSS ST

Mailing Address: TOWN OF BELLINGHAM
CONSERVATION
10 MECHANIC STREET
BELLINGHAM, MA 02019



www.cai-tech.com

11/14/2025

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Page 5 of 5

**NOTICE OF APPEAL
BELLINGHAM ZONING BOARD OF APPEALS
BELLINGHAM ZONING BYLAWS – SECTION 240-16.B.(3)
PLANNING BOARD DECISION DATED OCTOBER 23, 2025
PROSPECT HILL VILLAGE
NOVEMBER 20, 2025**

INTRODUCTION

This is an appeal pursuant to Section 240-16.B.(3) of the Bellingham Zoning Bylaws (the “Bylaw”) challenging the improper decision of the Bellingham Planning Board (the “Board”) under Article III, Section 240-15 and 240-16 entitled “Development Plan Approval” and Article IX, Section 240-54 entitled “Stormwater Management” of the Bylaw. Wall Street Development Corp.’s, (“Wall Street”) filed an application for a Special Permit under the Bylaw (the “Application”) for the project entitled “Prospect Hill Village in Bellingham, MA” which proposed originally of 156 two-bedroom townhomes in 52 buildings, with 3-townhome dwellings in each building (the “Project”). The Project is shown on the plan entitled “Special Residential Townhouse Development Plan – Prospect Hill Village in Bellingham, MA” dated November 30, 2023, last Revised September 3, 2025, prepared by GLM Engineering Consultants, Inc. (the “Site Plan”) As a show of good faith, Plaintiff reduced the number of units in the Project during the hearing process to 129 two-bedroom townhomes in 43 buildings with 3-townhome dwellings in each building.

The Project location is a vacant parcel of land, with the exception of one single-family home, consisting of 72.16+/- acres at the corner of Lake Street in Bellingham, MA and Prospect Street in Franklin, MA along the town line of Bellingham and Franklin (the “Property”).

After fifteen (15) public hearings, Defendant closed the public hearing on August 14, 2025, and voted to approve the Project with conditions under the Bylaw at its next meeting, October 23, 2025. The Defendant issued a decision entitled “Prospect Hill Village – Special Residential

Townhouse Dwelling Development Plan and Stormwater Management Decision” dated October 23, 2025 (the “Decision”). A copy of the Decision is attached as **Exhibit 1**.

Wall Street maintains that the Board’s Decision with conditions is arbitrary and capricious, and is not supported by substantial evidence or by the facts and is in excess of the Board’s authority. Wall Street’s application, submittals, testimony, evidence and the project plans provided substantial evidence that the Project should have been approved by the Board under the Bylaw without such conditions because the Project, as designed, meets the criteria for Development Plan Approval and Stormwater Management Permit.

The Bylaw at Section 240-16.B.(3) provides, in relevant part that; “Any interest party aggrieved by the development plan decision may file an appeal with the Board of Appeal within 30 days of the date the decision was filed with the Town Clerk, as provided in M.G.L. Ch. 40A, sec. 8 and 15.” Wall Street is aggrieved by the Board’s Decision.

PARTIES

1. Wall Street Development Corp., (“Wall Street”) is the Applicant and owner of the Property for the above-referenced Project. Wall Street filed the Applications pursuant to the Bylaw as required under Article III, Section 240-15 and 240-16 entitled “Development Plan Approval” and Article IX, Section 240-54 entitled “Stormwater Management” seeking approval from the Board under the Bylaw to construct the Project. A copy of Article III, Section 240-15 and 240-16 entitled “Development Plan Approval” and Article IX, Section 240-54 entitled “Stormwater Management” of the Bylaw is attached as **Exhibit 2**. Wall Street is aggrieved by the Board’s arbitrary and capricious decision that lacked any substantial evidence and was in excess of the Board’s authority.

2. The Bellingham Planning Board and its Members, Philip Devine, Stephen Goyette, Martin Roche, William F. O'Connell and Elizabeth Berthelette, as members and not individually (the "Board"), are authorized to administer the Bylaw. The Board voted to approve the Special Permit with conditions on October 23, 2025 and recorded the Decision with the Bellingham Town Clerk on October 24, 2025

THE PROPERTY AND RELEVANT HISTORY

3. The Property is a 72.16-acre parcel located in an agricultural zoning district in Bellingham. The Property is vacant with the exception of one (1) existing residential structure. The Property was a former gravel pit from the 1970's through the early 2000's. Plaintiff filed the Site Plan with the Application with the Defendant showing the Project, which called for the construction of 156 two-bedroom townhomes in 52 buildings, with 3-townhome dwellings in each building. During the hearing process, Plaintiff offered to reduce the number of units in the Project to 129 two-bedroom townhomes in 43 buildings with 3-townhome dwellings in each building.

4. The property is situated at the corner of Prospect Street in Franklin, MA and Lake Street and an additional parcel located at 137 Lakeview Avenue in Bellingham, MA (the "Property"). The Property is identified on Bellingham Assessor's Map 65, Lots 20, Lot 22, Lot 22-01, Lot 22-02 and Map 69, Lot 87 containing approximately 72 +/- acres (the "Property").

5. The Property was formerly used for a gravel extraction operation by Varney Bros. Sand & Gravel, Inc. prior to its acquisition by Wall Street. The Property still has many areas of excess gravel.

6. The underlying zoning of the property in Bellingham is Agricultural, which permits single family homes with a minimum lot frontage of 200 feet of frontage and minimum lot area 80,000 square feet. Prior to May 26, 2021, the Bylaw permitted higher density developments, i.e.,

townhouse, senior housing, assisted living, etc., with the granting of a special permit issued by the Planning Board.

7. On May 26, 2021, Bellingham Town Meeting voted to adopt Article 18 which amended the Zoning Bylaws by deleting “townhouse” as a use permitted by special permit under Article XV – Special Residences of the Zoning Bylaws (the “Bylaw Amendment”). Prior to the adoption of the Bylaw Amendment, however, Wall Street filed a preliminary subdivision plan entitled “Prospect Hill Estates” on May 24, 2021 with the Board showing the subdivision of the Property into 19-lots (the “Preliminary Plan”). A Definitive Subdivision Plan titled “Prospect Hill Estates” (the “Definitive Plan”) again showing 19-lots was filed with the Board on December 20, 2021. The Board voted to approve the Subdivision Plan on May 11, 2023. The Subdivision Plan has been recorded in the Norfolk Registry of Deeds in Book 725, Page 43.

8. Notwithstanding the Bylaw Amendment approved on May 26, 2021, as a result of the timely filing of both the Preliminary Plan and the Definitive Plan Wall Street remained eligible to seek a special permit pursuant to Article XV to propose a multi-unit townhouse development on the Property.

9. Wall Street’s eligibility pursuant to Article XV is controlled by M.G.L. c. 40A, sec. 6 which provides the following, in part:

“If a definitive plan, or a preliminary plan followed within seven months by a definitive plan, is submitted to a planning board for approval under the subdivision control law, and written notice of such submission has been given to the city or town clerk before the effective date of ordinance or by-law, the land shown on such plan shall be governed by the applicable provisions of the zoning ordinance or by-law, if any, in effect at the time of the first such submission while such plan or plans are being processed under the subdivision control law, and, if such definitive plan or an amendment thereof is finally approved, for eight years from the date of the endorsement of such approval....”

10. Based on the foregoing circumstances, the Bylaw required Wall Street to apply for and receive three (3) approvals to construct the Project under the Bylaw, (1) a Special Permit pursuant to Article XV, Section 240-101, (2) an application for Development Plan Approval pursuant to Article III, Section 240-15 and 240-16 and (3) an application for Stormwater Management Approval pursuant to Article IX, Section 240-54.

11. Wall Street filed the Application for Special Permit (the "Special Permit Application") seeking a special permit to develop a higher density residential development on the Property pursuant to Article XV – Special Residences of the Zoning Bylaws entitled – Special Residences.

12. In addition, Wall Street filed an application pursuant to Article III, Section 240-15 and 240-16 entitled "Development Plan Approval" and Article IX, Section 240-54 entitled "Stormwater Management" of the Bylaw (the "Applications").

13. Article XV of the Bylaw requiring the Special Permit Application provides the following:

Special Residential Uses § 240-100

Types of special residential uses. Special residential uses are townhouses, assisted elderly housing, public housing, and other multifamily housing.

§ 240-101. Townhouse dwellings.

As provided in § 240-31, Use Regulations Schedule, townhouse dwellings may be allowed on special permit in all except the Industrial District. Such special permits shall be acted on by the Planning Board, subject to the following: § 240-102. Assisted elderly housing.

A. Minimum lot area shall be 10,000 square feet per bedroom, but in no case shall lot area be less than 20 acres.

B. Approval of the special permit shall be based upon the criteria of § 240-108, Decision.

Special Permit Decision Criteria

Pursuant to Article XV a 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:

§ 240-108. Decision.

In deciding on a special permit for townhouse, assisted elderly housing, or other multifamily dwellings, the following more detailed criteria shall be used rather than those of § 240-25. 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. Municipal costs and revenues.
- B. Effect on the range of available housing choice.
- C. Service to identified housing needs.
- D. Service to current Bellingham residents.
- E. Support for local business activity and jobs.
- F. Impact on the natural environment, especially on ground and surface water quality and level.
- G. Impacts on traffic safety and congestion, adequacy of water service, and need for school facilities.
- H. Impacts on the visual environment through preservation or displacement of visual assets, and consistency with existing development in area.

14. In addition to the townhome dwellings, the Project includes, but is not limited to, construction of roadways, utilities, site grading, driveways, plantings and other infrastructure, along with stormwater management measures to collect and treat stormwater prior to its infiltration. The Project will be served by municipal water and sewer.

15. On October 23, 2025, the Board issued a decision denying the Special Permit Application filed by Wall Street under Article XV of the Bylaw (the "Special Permit Denial"). A copy of the Special Permit Denial is attached as Exhibit 3. A separate appeal of the Special Permit Denial has also been filed by Wall Street.

16. The standards and criteria to be administered by the Board for a Development Plan Approval pursuant to Section 240-15 and 240-16 provides for a different and more specific set of standards and criteria for granting a Development Plan Approval. The decision standards for a Development Plan Approval are outlined in Section 240-19 which provides the following:

240-19. Decision standards.

The Planning Board shall approve a development plan only upon its determination that:

- A. The performance requirements of this bylaw (e.g., Article IX, Environmental Controls, and Article X, Parking and Loading Requirements) have been met.
- B. For the given location and type and extent of land use, the design of building form, building location, egress points, grading, and other elements of the development could not reasonably be altered to:
 - (1) Improve pedestrian or vehicular safety within the site and egressing from it;
 - (2) Reduce the visual intrusion of parking areas viewed from public ways or abutting premises;
 - (3) Reduce the volume of cut or fill;
 - (4) Reduce the number of removed trees eight inches trunk diameter and larger;
 - (5) Reduce soil erosion;
 - (6) Reduce hazard or inconvenience to pedestrians from stormwater flow and ponding.
- C. Adequate access is provided to each structure for fire and service equipment.
- D. Adequate utility service and drainage is provided, consistent where apt with the performance intent of the Design Standards of the Subdivision Regulations of the Bellingham Planning Board, as in effect at the time of the submission of the development plan.

E. Adequate capacity is available on impacted streets to accommodate the proposed project, based on a traffic study prepared in accordance with the traffic guidelines/regulations contained in the appendix of the Planning Board's Rules and Regulations for the Subdivision of Land. If a development is projected to cause a decrease in level of service (LOS) over the no-build condition on impacted streets, the Planning Board, at its sole discretion, may require implementation of mitigative measures and/or transportation demand management (TDM) measures to restore the LOS to the no-build condition.

F. No other zoning violations are observed.

17. Other than the criteria outlined in Sub-section 240-19, the Bylaw does not provide any other criteria, performance standards or specific requirements to evaluate the Applications and the issuance of a Development Plan Approval (See Exhibit 2).

18. With regard to the Application under Article IX, Section 240-54 regarding "Stormwater Management", the Bylaw at Section 240-54.B.(1) states:

All development requiring in excess of 10 parking spaces or undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb an area equal to or greater than one acre of land, or will disturb less than one acre of land but is part of a larger common plan of development or redevelopment that will ultimately disturb an area equal to or greater than one acre of land, shall conform to the drainage requirements specified in the Rules and Regulations Governing the Subdivision of Land and obtain a stormwater management permit per Section 7.0 with related Stormwater Management Plan and Operation and Maintenance Plan of the Planning Board Procedural Rules.

19. As the Decision states, Wall Street submitted substantial evidence, through its engineer and other consultants, which included seventy-one (71) plans, reports and other correspondence demonstrating that the Project satisfied the criteria of Section 240-19 and Section 240-54 of the Bylaw.

STATEMENT OF FACTS

20. As previously mentioned, Wall Street must apply for and receive three (3) approvals to construct the Project under the Bylaw, (1) a Special Permit pursuant to Article XV,

Section 240-101, (2) an application for Development Plan Approval pursuant to Article III, Section 240-15 and 240-16 and (3) an application for Stormwater Management Approval pursuant to Article IX, Section 240-54. As previously mentioned, the Board issued a Special Permit Denial of the special permit requested by the Plaintiff under Article XV, Section 240-101 of the Bylaw.

21. In 2023, Wall Street submitted the Application for Special Permit on December 12, 2023 seeking a Special Permit to construct the Project. In addition, Wall Street submitted an application for Development Plan Approval and Stormwater Management (the “Applications”). The Applications described the Project and demonstrated that the Applications met the criteria for the requested Development Plan Approval and Stormwater Management Approval allowed under the Bylaw and should have been approved.

22. The Applications and the Site Plan provided extensive details describing the proposed Stormwater Management System (“the Stormwater System”) designed to manage peak rates of stormwater runoff and stormwater volumes from the Property following full development of the Project. The Stormwater Management Report entitled “Special Residential Townhouse Development – Prospect Hill Village, Bellingham, MA, dated January 30, 2025, revised April 28, 2025, prepared by GLM Engineering Consultants, Inc. (the “Stormwater Report”) evidences that the stormwater runoff will be controlled using “Best Management Practices” and in full compliance with the MA-DEP Stormwater Standards. The Stormwater System will result in an improvement over existing conditions as it will provide treatment and 100% groundwater recharge, while also reducing the peak rates of runoff and offsite runoff volumes.

23. Neither the Board, nor any of its peer reviewers, offered any credible testimony that contradicted the findings and conclusions of the Stormwater Report or the design of the Stormwater System. In fact, the Board's peer reviewer completely agreed with the design of the Stormwater System.

THE DECISION

24. After fifteen (15) public hearings, the Board approved the Project with conditions under the Bylaw on October 23, 2025 and recorded the Decision with the Bellingham Town Clerk on October 24, 2025.

25. Certain of the conditions included in the Decision pursuant to the Bylaw were based upon unsupported, arbitrary findings and the Board's application of non-existent performance standards or criteria in the Bylaw purported to be applicable to the Project and in excess of the Board's authority.

26. Condition No. 2 states:

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 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 under Sec. 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 Sec. 81U but the actual form of such instrument is subject to the prior review and approval of Town Counsel.

27. As well documented, the Project is not a subdivision and does not fall under the jurisdiction or authority of the Defendant pursuant to M.G.L. c. 41, sec. 81K through sec. 81GG (the "Subdivision Control Law"). Any imposition of a condition regarding guarantees or security required under the Subdivision Control Law or Defendant's "subdivision rules and regulation" by the Board is improper and in excess of the authority of the Board.

28. Condition No. 3 states:

The Project requires an Inclusionary Housing Special Permit. No Building 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.

29. Compliance with Article XXV of the Bylaw related to "Inclusionary Zoning" is not a criteria subject to the jurisdiction of the Board related to the Application, as such Condition No. 3 is in excess of the Board's authority.

30. Condition No. 4 states:

Prior to construction, the applicant shall furnish proof of Town of Franklin approval for site access on Prospect Street to the Planning Department and the Building Department.

31. The Project, as proposed, is entirely within the jurisdiction of the Town of Bellingham. The Board's condition requiring approval from another town is outside of its jurisdiction and in excess of its authority.

32. Condition No. 5 states:

Prior to construction, the applicant shall revise the plan set and stormwater report to be in compliance with Section 247-33.B.(1) of the Bellingham Wetlands Regulations. Resubmission of the required information shall be subject to Condition of Approval #1 regarding major and minor modifications.

33. The Board has fabricated the applicability of Section 247-33(B)(1) to the Project. Section 247-33(B)(1) is a regulation adopted in connection with the Bellingham Wetland Protection Bylaw (the “Wetland Bylaw”) and is not a regulation subject to the jurisdiction of the Board or the Bylaw and is in excess of the Board’s authority.

34. Condition No. 6 states:

Prior to connection, the applicant shall improve the Dupre Sewer Pump Station to meet the current Town of Bellingham's standard wastewater pumping station design that utilizes submersible pumps. The applicant shall be responsible for the design and construction of the above-mentioned improvements with oversight and final approval by the Bellingham DPW.

35. As the Board’s peer reviewer (Klienfelder) documented that the “Dupre Road Pump Station” (the “Pump Station”) has adequate capacity, but due to the multiple operational problems, it is recommended that the station is upgraded to the new Town sewer pump station standards prior to adding significant additional sewage flows.” During the public hearing the Wall Street expressed a willingness to contribute financially to the repair of the Dupre Pump Station. The Board has manufactured a condition of approval of the Project requiring the Wall Street to be totally responsible for the design and construction of the Dupre Pump Station at its sole cost and expense. In doing so, the Board attempts to extract funds from Wall Street due to the Town’s inability to fund its own repairs of a malfunctioning sewer pump station. This condition is not a criteria for the Board’s decision and is in excess of the Board’s authority.

36. Condition No. 7 states:

As stated in the public hearing, the applicant agreed to contribute a monetary donation to the Town to be used to improve the Dupre Pump Station to meet the current Town of Bellingham's standard wastewater pumping station design in the event that the Prospect Hill Village Development cannot be connected to the municipal sewer system. Per the Town of Bellingham's 2023 improvement project of the Old Bridge Lane Pump Station, a total cost of \$600,000 was utilized to improve the station to meet the current wastewater pumping station design standards. This total cost included \$140,000 to be used for the design, bidding, and engineering services through design and construction. As a result, the applicant

shall donate \$150,000 to the Town to be used for the design, bidding, and/or engineering services through construction for the improvements of the Dupre Pump Station. Said sum of money shall be donated to the town prior to the first occupancy permit. The applicant shall coordinate on-site septic system approvals with the Bellingham Board of Health and furnish said approvals to the Planning Department prior to construction.

37. The Board confuses Wall Street's offer to contribute a monetary donation to the Town to improve the Pump Station was made under context that the Board would approve the Special Permit under Article XV permitting the proposed townhouse development. The Board has issued a Special Permit Denial of Plaintiff's request for special permit pursuant to Article XV. Given the Board's Special Permit Denial, it is extremely disingenuous for the Board to require Wall Street to make such a monetary contribution of any sort under these circumstances.

38. Moreover, in light of the fact that the Town is responsible for the standard operation and maintenance of this existing Pump Station, which is currently in service as an integral part of the Town's sewer system, the Board's condition to prevent Wall Street's Project from connecting into the Pump Station unless or until Wall Street funded the complete cost to "improve the Dupre Sewer Pump Station to meet the current Town of Bellingham's standard wastewater pumping station..." is both unreasonable and excessive. In addition, given the findings of the Board's peer reviewer that "the Dupre Road Pump Station has adequate capacity...", and "the Dupre Road Pump Station is plagued with operational issues and has required multiple repairs over the years, resulting in a significant amount of resources being utilized to keep the station operational" it is clear the Board's condition is being imposed to extract a monetary benefit from Wall Street to fund the cost of repairs and maintenance and even replacement of the Pump Station that the Town is otherwise responsible for. Such a condition is a clear mechanism to raise revenue which is not permitted as the funds demanded by the Board

constitutes an unlawful tax in Violation of Amend. Art. 89, sec. 7 of the Massachusetts Constitution.

39. The Board attempts to characterize the cost of the repair, maintenance and/or replacement of the Pump Station as a necessary requirement for the Project and that Wall Street is obligated to pay, this requirement is an illegally imposed tax for the purpose of raising revenue which is, in fact, a deliberate attempt to circumvent the provisions of M.G.L. c. 59, sec. 21C, which permanently limits the annual increases in property taxes to 2 ½ of the Town's full and fair cash valuation.

40. Condition No. 9 states:

Per the Peer Review Letter entitled, "Prospect Hill Village Sewer System Connection Design Review & Comment Letter #3" (Document #64), prepared by Kleinfelder, the applicant shall furnish additional information regarding utility inverts at the Peters River Crossing and Brook Crossing prior to construction. The construction of the sewer utilities shall provide 2' vertical separation (including 1 foot of concrete) between the stream bed invert and the top of the proposed sewer pipe.

41. The Project's design will comply with applicable rules and regulations. The Board's Condition No. 9 seeks to unnecessarily apply more stringent standards which are excessive and unreasonable and in excess of the Board's authority.

42. Condition No. 11 states:

Per the Peer Review Letter entitled, "Prospect Hill Village Sewer System Connection Design Review & Comment Letter #3" (Document #64), prepared by Kleinfelder, the following conditions of approval shall apply to the construction of the municipal sewer:

I. The general contractor that will be constructing the pipelines and pumping station is to be pre-qualified with the DPW before construction starts. The General Contractor needs to be experienced in sewer and pump station construction, as well as deep utility excavations.

II. Electronic record drawings will be required at completion of construction prior to final acceptance. Record drawings are to dimensionally indicate actual as-built conditions including the precise location of the gravity sewer, force main, and manholes, as well as invert elevations, pipe sizes, pipe materials and all Pump Station components. A minimum of three swing ties to permanent features shall be provided for all project components. GPS coordinates will be acceptable in lieu of swing ties.

III. Once complete, the pump station is to have all systems and components tested in accordance with the Town's standard checklist, including a pump "drawdown" test to check pumping capacity.

IV. Training by the pumping station/system manufacturer will be required prior to final acceptance.

V. Operation and Maintenance manuals will be required for all equipment included in the project prior to final acceptance.

43. As previously mentioned, above, the Project's design will comply with applicable rules and regulations. The Board's Condition No. 11 seeks to unnecessarily apply more stringent standards which are excessive and unreasonable and in excess of the Board's authority.

44. Condition No. 13 states:

The applicant is proposing improvements to the Lake Street and Prospect Street intersection per the mitigation concept (Document #42). These improvements require approvals through the Town of Franklin and private property owners. Prior to construction, the applicant shall furnish proof of petition and any associated approvals with these entities to conduct the proposed improvements.

45. The record will show that the Plaintiff provided a "A Traffic Impact & Access Study" that was further reviewed by the Board's peer reviewer. The Board's peer reviewer concluded that the findings of the Traffic Impact & Access Study were accurate and not in dispute, particularly the finding that "the project would result in minimal changes in delay to the Prospect Street and Lake Street intersection."

46. Notwithstanding the findings of Wall Street's and the Board's peer reviewer that the Project would have minimal impacts on traffic at the Prospect/Lake Street intersection, Wall Street offered to provide additional mitigation to allow better circulation and safer movements at this intersection. Again, Wall Street's offer to provide such additional traffic mitigation was made under context that the Board approve the Special Permit under Article XV permitting the proposed townhouse development. As previously mentioned, the Board has issued a Special Permit Denial of Wall Street's request for special permit pursuant to Article XV. Given the Board's Special Permit Denial, it is extremely disingenuous for the Board to require Wall Street to undertake such traffic mitigation measures under these circumstances.

47. Moreover, Wall Street's offer to provide such additional mitigation was clearly only related to the mitigation that was within Wall Street's reasonable control. The Board manipulated Wall Street's good faith gesture by attempting to extract this mitigation as a condition of its approval of the Application. Since it was found that the Project would have minimal impacts on traffic at this intersection, the requirement for Wall Street to construct such traffic mitigation as a condition of approval is outside of the Board's jurisdiction and authority.

48. Condition No. 30 states, in part:

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 S53G or such other applicable statutory method as may be appropriate.

49. The Board's condition to require an unspecified amount of funds to perform inspections that the Town staff is responsible for is impermissibly arbitrary and vague, patently unreasonable and exceeds the Board's authority.

50. Notwithstanding the Board's lack of authority and discretion under the Bylaw, Wall Street and its project engineer and consultants offered testimony and provided documents, reports and other information to demonstrate that the Project satisfactorily met all of the criteria called for in the Bylaw.

51. Despite the Board's lack of authority and jurisdiction, Wall Street and its project engineer and other consultants offered testimony and provided documents, reports and other information during the hearing process to demonstrate that the Project satisfied the criteria in the Bylaw. All criteria and standards provided in the Bylaw were identified and met by Wall Street.

52. Each of the conditions of approval in the Decision discussed above are unreasonable, arbitrary and capricious, in excess of the Board's authority and lacks credibility.

53. Each of the conditions of approval in the Decision discussed above were based on the Board's personal opinions and is arbitrary, capricious, in excess of its authority under the Bylaw and is error.

54. Each of the conditions of approval in the Decision discussed above were based on generalized findings made by the Board related to the Bylaw without stating how the area is important to protection under the Bylaw and how the criteria have not been met.

55. The Board's Decision was based on its incorrect application and interpretation of the Bylaw.

56. The Board's Decision was based on its opposition to the proposed Project and the development of the Property.

57. The Board unreasonably and improperly conditioned the Project under the Bylaw because the members did not want this Property developed. The Record shows that the Board exceeded its authority pursuant to the Bylaw and did not follow its own Bylaw.

58. As such, Wall Street hereby files this appeal alleging that the Board's decision under the Bylaw was arbitrary and capricious, not supported by the facts, not supported by the law, and not supported by substantial evidence.

RELIEF SOUGHT

For the reasons stated above Wall Street hereby requests that the Zoning Board find the following:

1. That Wall Street filed the Application, along with the Site Plan, Stormwater Report, Traffic Report and countless other reports and information that demonstrated that the Project met the criteria for Development Plan Approval under the Bylaw;
2. That the Board did not present any credible evidence during the hearing process in contravention of the evidence presented by Wall Street that would support any of the conditions in the Decision outlined above;
3. That the Board's Decision, including the conditions discussed above, created new criteria and different standards that go beyond the scope of the Bylaw and in excess of the Board's authority under the Bylaw;
4. That the Board's Decision application of new criteria and different standards that were not within the scope of the Bylaw are unreasonable, arbitrary and excessive conditions to the Project;
5. That the Applications and the Project met the criteria provided in the Bylaw.

Now therefore, it is requested the Zoning Board issue an Order to rescind and/or revoke each condition outlined herein, individually or collectively, of the Decision.

Respectfully Submitted,

Wall Street Development Corp.


By: Louis Petrozzi, President

Date: November 21, 2025

EXHIBIT 1



BELLINGHAM PLANNING BOARD

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

October 23, 2025

PROSPECT HILL VILLAGE SPECIAL RESIDENTIAL USE TOWNHOUSE DWELLING DEVELOPMENT PLAN AND STORMWATER MANAGEMENT DECISION

A. BACKGROUND

Applicant: Wall Street Development, Corp.
P.O. Box 272
Westwood, MA 02090

Owner: Wall Street Development, Corp.
P.O. Box 272
Westwood, MA 02090

Public Hearing: The Public Hearing opened January 25, 2024 at 7:00 PM. Notice for the public meeting was published in *The Milford Daily News* on January 11, 2024 and January 18, 2024. The Public Hearing was continued to March 14, 2024, June 13, 2024, July 18, 2024, October 10, 2024, November 14, 2024, December 12, 2024, January 23, 2025, February 13, 2025, February 27, 2025, April 10, 2025, April 24, 2025, June 12, 2025, July 17, 2025 and August 14, 2025 when the Public Hearing was closed.

Date of Vote: October 23, 2025

The Premises: The project, also referred to herein as the "Site", consists of a 129 unit townhome development to be built in 43 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 Lake Street and Prospect Street, approximately 71.7+/- acres of land, shown on Assessor's Map 65 Lot 20, Map 65 Lot 22, Map 65 Lot 22-01, Map 65 Lot 22-02, Map 69 Lot 87, zoned Agriculture. Access to the site is proposed

on Lake Street and Prospect Street with emergency access/egress being proposed on Lakeview Avenue.

The By-law

§240-16 Development Plan Review, and §240-54 Stormwater Management

The Proposal:

To construct a 129-unit townhome development, to be built across 43 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. Cover Letter, prepared by Wall Street Development, Corp., dated December 12, 2023.
2. Application for Special Permit, dated December 12, 2023.
3. Application for Stormwater Management Permit, dated December 12, 2023.
4. Application for Development Plan Approval, dated December 12, 2023.
5. Certificate of Ownership, dated December 12, 2023.
6. Certificate of Municipal Taxes and Charges Paid, dated November 27, 2023.
7. Certified Abutters List (Parcels 65-20/ 65-22/ 65-22-1/ 65-22-2), certified on December 4, 2023.
8. Certified Abutters List (Parcel 69-87), certified on December 12, 2023.
9. Project Narrative, prepared by Wall Street Development, Corp., dated December 11, 2023.
10. Statement of Impact on Municipal Facilities and Services, prepared by Wall Street Development, Corp., dated December 11, 2023.
11. Statement of Compliance – Article IX – Environmental Controls, prepared by Wall Street Development, Corp., dated December 11, 2023.
12. Public Hearing Notice, received by the Town Clerk January 3, 2024.
13. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc., dated November 30, 2023.
14. Stormwater Management Report, prepared by GLM Engineering Consultants, Inc., dated November 30, 2023.

15. Traffic Impact & Access Study, prepared by Kimley Horn, revised November 2023.
16. Letter of Concern, prepared by the Town of Franklin Planning and Community Development Director, dated January 25, 2024.
17. Woonsocket Sewer Capacity email from Jon Pratt (City Engineer, Woonsocket, RI), dated March 4, 2024.
18. Letter of Opposition, prepared by the Town of Franklin Town Attorney, dated April 24, 2024.
19. Initial Peer Review – Site Plans and Stormwater Management, prepared by BSC Group, dated May 6, 2024.
20. Updated Initial Peer Review – Site Plans and Stormwater Management, prepared by BSC Group, dated May 9, 2024.
21. Town Encroachment Figure, prepared by Wall Street Development, Corp., received May 26, 2024.
22. Town Staff Meeting Memo, prepared by Robert Lussier, Director of Planning & Engineering, dated July 31, 2024.
23. Comment Response Letter, prepared by GLM Engineering Consultants, Inc., dated July 16, 2024.
24. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, revised date July 15, 2024.
25. Stormwater Report, prepared by GLM Engineering Consultants, Inc., revised date July 16, 2024.
26. Concept Plan with Access on Lake Street, prepared by Wall Street Development, Corp., received July 29, 2024.
27. Town Staff Meeting Memo, prepared by the Town of Bellingham Director of Planning & Engineering, dated July 31, 2024.
28. Updated Supplemental Peer Review, prepared by BSC Group, dated August 7, 2024.
29. Plan Set for Prospect Hill Village Sewer Extension (Four Sheets), prepared by GLM Engineering Consultants, Inc., dated August 12, 2024.
30. Wetland Resource Area Plan, prepared by GLM Engineering Consultants, Inc., dated September 30, 2024.
31. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc., revised date September 26, 2024.

32. Prospect Hill Village Sewer System Connection Design Review, prepared by Kleinfelder, dated October 23, 2024.
33. Traffic Impact & Access Study, prepared by Kimley Horn, revised October 2024.
34. Summary – Special Permit Decision Criteria, prepared by Wall Street Development, Corp., dated November 13, 2024.
35. Town Staff Update Memo, prepared by Robert Lussier, Director of Planning & Engineering, dated December 5, 2024.
36. Traffic Peer Review Letter, prepared by MDM Transportation Consultants, Inc., dated December 6, 2024.
37. Memo entitled, "Prospect Hill Estates, Townhouse Dwelling Calculations", prepared by KP Law, dated December 9, 2024.
38. Prospect Hill Village – Proposed Sewer System Connection Dupre Road Pump Station Impact, prepared by Kleinfelder, dated January 17, 2025.
39. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village, prepared by GLM Engineering Consultants, Inc., revised date January 30, 2025.
40. Stormwater Management Report, prepared by GLM Engineering Consultants, Inc., revised date January 30, 2025.
41. Comment Response Letter, prepared by Kimley Horn, dated February 20, 2025.
42. Plan entitled, "Prospect Street at Lake Street Proposed Mitigations", prepared by Kimley Horn, dated February 20, 2025.
43. Plan entitled, "Bellingham Ladder Truck Movement Lake Street to Prospect Street Northbound", prepared by Kimley Horn, dated February 20, 2025.
44. Updated Traffic Peer Review Letter, prepared by MDM Transportation Consultants, Inc., dated February 26, 2025.
45. Landscape Plan entitled, "Site Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc. & Steven G. Cosmos, RLA, dated March 10, 2025.
46. Initial Peer Review for Revised Design, prepared by BSC Group, dated March 19, 2025.

47. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc., revised date April 9, 2025.
48. Stormwater Report, prepared by GLM Engineering Consultants, Inc., revised date April 9, 2025.
49. Comment Response Letter, prepared by GLM Engineering Consultants, Inc., dated April 10, 2025.
50. Supplemental Peer Review for Revised Design, prepared by BSC Group, dated April 23, 2025.
51. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc., revised date April 28, 2025.
52. Supplemental Stormwater Report, prepared by GLM Engineering Consultants, Inc., dated April 28, 2025.
53. Comment Response Letter, prepared by GLM Engineering Consultants, Inc., dated April 28, 2025.
54. Town Staff Update Memo, prepared by Robert Lussier, Director of Planning & Engineering, dated May 6, 2025.
55. Town Staff Update Memo, prepared by Robert Lussier, Director of Planning & Engineering, dated May 13, 2025.
56. Waiver Request (§245-13.D.(2)(g) and (i)), prepared by Wall Street Development, Corp., dated May 22, 2025.
57. Waiver Request (§240-17.B.(1)(f)), prepared by Wall Street Development, Corp., dated May 22, 2025.
58. Preliminary Architectural Plans, prepared by Morabito Architects, dated May, 2025.
59. Photometric Plan entitled, "Prospect Hill Village – Bellingham, MA", prepared by SpecLines, dated June 2, 2025.
60. Form 11 – Soil Suitability for On-Site Sewage Disposal, prepared by GLM Engineering Consultants, Inc., dated June 2, 2025.
61. Landscape Plan entitled, "Site Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc. & Steven G. Cosmos, RLA, revised date June 5, 2025.
62. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc., revised date June 9, 2025.
63. Response Letter, prepared by GLM Engineering Consultants, Inc., dated June 9, 2025.

64. Prospect Hill Village Sewer System Connection Design Review and Comment Letter #3, prepared by Kleinfelder, dated June 30, 2025.
65. Final Peer Review for Revised Design, prepared by GLM Engineering Consultants, Inc., dated July 8, 2025.
66. Outlying Discussion Points Memo, prepared by Robert Lussier, Director of Planning & Engineering, dated July 8, 2025.
67. Summary Memorandum for Special Permit Decision, prepared by Wall Street Development, Corp., dated August 7, 2025.
68. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc., revised September 3, 2025.
69. Supplemental Stormwater Report, prepared by GLM Engineering Consultants, Inc., dated September 9, 2025.
70. Peer Review for Revised Design – Stormwater Management, prepared by BSC Group, dated September 25, 2025.
71. 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 seven lot development. The ANR was endorsed on July 8, 2021. The applicant also received approval through the Bellingham Planning Board for a 17 lot Definitive Subdivision (Approved May 11, 2023). 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 258 bedrooms. The Board has determined that the total bedroom count conforms with the bylaw and the Site shall be limited to no more than 258 bedrooms further conditioned herein.
3. The Applicant has proposed and shall be limited to 129 townhome dwelling units to be constructed in 43 triplex buildings.
4. The Board determined that the Site is within the Water Resource District.
5. The performance requirements of this 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.
 - a) §240.49 Light and Glare: A photometric plan has been prepared as part of the Approved Plan. The plan demonstrates that the illumination of the proposed lighting for the development shall not trespass on to abutting properties. Any exterior building 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.
 - b) § 240.50 Air Quality: The proposed use does not involve emission of odorous gases in such quantities to be offensive and shall continue to adhere to the Zoning By-law.
 - c) §240.51 Hazardous Materials: No hazardous materials, as defined in this section, are proposed to be used or stored on Site.
 - d) §240.52 Vibration: The Applicant does not propose any use that produces vibration which is discernible to the human sense of feeling (except sound) at or beyond the boundaries of the premises for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for 30 seconds or more in any one hour between 9:00 p.m. and 7:00 a.m.

- e) §240.53 Electrical Disturbance: No electrical disturbance is proposed or will be permitted which adversely effects the operation of any equipment other than that of the creator of such disturbance.
 - f) §240.54 Stormwater Management: The stormwater management shown on the Plan and drainage analysis has been designed to meet the Stormwater Management Standards set by the Massachusetts Department of Environmental Protection. The proposal is located within Bellingham's Water Resource District and is subject to Section 247-33.B.(1) of the Bellingham Wetlands Regulations. Per the most recent Site Plan (Document #68) and Stormwater Management Peer Review Letter (Document #65), prepared by BSC Group, dated July 8, 2025, the proposed design does not meet the separation to groundwater requirements as proposed excavation is within four feet of estimated seasonal high groundwater for proposed Basins 1, 2, and 4. Please see Condition of Approval #5.
 - g) §240.58 Noise: The use proposed was determined to not add noise concerns beyond that of typical residential noise and less than that of the existing use.
6. For the given location and type and extent of land use, the design of building form, building location, egress points, grading, and other elements of the development could not reasonably be altered to:
- a) improve pedestrian or vehicular safety within the site and egressing from it, as circulation has been reviewed by the Planning Board and emergency services and was deemed adequate;
 - b) reduce the visual intrusion of parking areas viewed from public ways or abutting premises, by preserving vegetative buffers as well as landscaping added to priority areas;
 - c) reduce the volume of cut or fill and the Site has been graded to match the cuts and fills, as much as possible and it is not anticipated that an Earth Removal Special Permit will be required;
 - d) reduce the number of removed trees 8" trunk diameter and larger. The Board has however required a landscape plan as provided in the Approved Plan that will provide for additional replanting;
 - e) reduce soil erosion; and reduce hazard or inconvenience to pedestrians from storm water flow and ponding by engineering the Site to be designed to comply with the DEP Stormwater Handbook and the Town

of Bellingham Stormwater Regulations as well as the inclusion of a Stormwater Pollution Prevention Plan and Operation and Maintenance Plan consistent with the Town of Bellingham requirements.

- f) provide alternate access as emergency services has reviewed and approved the plan as proposed and deemed access to be adequate;
- g) provide alternate utility service and drainage as the DPW Director has reviewed and approved the plan as proposed and demonstrated in the Stormwater Management Report;
- h) Kimley Horn's Traffic Impact & Access Study (Document #15) was included as part of the application and further peer reviewed by a third-party consultant. The peer review concluded agreement with the applicant's findings. As part of the scope of the project, it was determined that the project would result in minimal changes in delay to the Prospect Street and Lake Street intersection. As a result, mitigation was incorporated in the application to allow better circulation and safer movements at this intersection as shown in the plan entitled, "Prospect Street at Lake Street Proposed Mitigations" (Document #42). As discussed during the public hearing process, these improvements would require approval through the Town of Franklin and involve improvements on private property. As these improvements depend on approvals outside of the Town of Bellingham Planning Board's jurisdiction, it is unclear if the mitigation associated with the Prospect Street and Lake Street intersection can be conducted. Please see Condition of Approval #13.

7. The Board finds that compliance with the below conditions are necessary to mitigate impacts related to the construction and occupancy of the project.

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 5 to 0 in favor, accordingly, grants the Applicant and its successors and assigns as owner of the premises, a Development Plan Approval and Stormwater Management 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 129 townhome dwelling units with 2-bedrooms per unit, for a total of 258 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 Building 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. Prior to construction, the applicant shall furnish proof of Town of Franklin approval for site access on Prospect Street to the Planning Department and the Building Department.
5. Prior to construction, the applicant shall revise the plan set and stormwater report to be in compliance with Section 247-33.B.(1) of the Bellingham Wetlands Regulations. Resubmission of the required information shall be subject to Condition of Approval #1 regarding major and minor modifications.

6. Prior to connection, the applicant shall improve the Dupre Sewer Pump Station to meet the current Town of Bellingham's standard wastewater pumping station design that utilizes submersible pumps. The applicant shall be responsible for the design and construction of the above-mentioned improvements with oversight and final approval by the Bellingham DPW.
7. As stated in the public hearing, the applicant agreed to contribute a monetary donation to the Town to be used to improve the Dupre Pump Station to meet the current Town of Bellingham's standard wastewater pumping station design in the event that the Prospect Hill Village Development cannot be connected to the municipal sewer system. Per the Town of Bellingham's 2023 improvement project of the Old Bridge Lane Pump Station, a total cost of \$600,000 was utilized to improve the station to meet the current wastewater pumping station design standards. This total cost included \$140,000 to be used for the design, bidding, and engineering services through design and construction. As a result, the applicant shall donate \$150,000 to the Town to be used for the design, bidding, and/or engineering services through construction for the improvements of the Dupre Pump Station. Said sum of money shall be donated to the town prior to the first occupancy permit. The applicant shall coordinate on-site septic system approvals with the Bellingham Board of Health and furnish said approvals to the Planning Department prior to construction.
8. Prior to construction, the applicant shall conduct borings and/or soil test pits in the vicinity of the proposed sewer within the limits of Blackmar Street and Cross Street to determine construction feasibility. All soil testing shall be supervised by the Bellingham DPW, and/or their agent. The area shall be "dig-safe" prior to excavation.
9. Per the Peer Review Letter entitled, "Prospect Hill Village Sewer System Connection Design Review & Comment Letter #3" (Document #64), prepared by Kleinfelder, the applicant shall furnish additional information regarding utility inverts at the Peters River Crossing and Brook Crossing prior to construction. The construction of the sewer utilities shall provide 2' vertical separation (including 1 foot of concrete) between the stream bed invert and the top of the proposed sewer pipe.
10. Per the Peer Review Letter entitled, "Prospect Hill Village Sewer System Connection Design Review & Comment Letter #3" (Document #64), prepared by Kleinfelder, the applicant shall furnish additional information regarding the existing sewer stub invert elevation and size at the Dupre Pump Station prior to construction.

11. Per the Peer Review Letter entitled, "Prospect Hill Village Sewer System Connection Design Review & Comment Letter #3" (Document #64), prepared by Kleinfelder, the following conditions of approval shall apply to the construction of the municipal sewer:

- I. The general contractor that will be constructing the pipelines and pumping station is to be pre-qualified with the DPW before construction starts. The General Contractor needs to be experienced in sewer and pump station construction, as well as deep utility excavations.
- II. Electronic record drawings will be required at completion of construction prior to final acceptance. Record drawings are to dimensionally indicate actual as-built conditions including the precise location of the gravity sewer, force main, and manholes, as well as invert elevations, pipe sizes, pipe materials and all Pump Station components. A minimum of three swing ties to permanent features shall be provided for all project components. GPS coordinates will be acceptable in lieu of swing ties.
- III. Once complete, the pump station is to have all systems and components tested in accordance with the Town's standard checklist, including a pump "drawdown" test to check pumping capacity.
- IV. Training by the pumping station/system manufacturer will be required prior to final acceptance.
- V. Operation and Maintenance manuals will be required for all equipment included in the project prior to final acceptance.

12. The applicant is proposing access to Lakeview Avenue. As discussed during the public hearing, this access shall be for emergency access only and will be gated at all times. The applicant shall coordinate approvals with the Bellingham Fire Department regarding gate locations and Knox-box locations.

13. The applicant is proposing improvements to the Lake Street and Prospect Street intersection per the mitigation concept (Document #42). These improvements require approvals through the Town of Franklin and private property owners. Prior to construction, the applicant shall furnish proof of petition and any associated approvals with these entities to conduct the proposed improvements.

14. The phasing of the proposed project shall be as follows:

Phase 1: Road A (Sta. 0+00 – 4+00), Road B (Full Length), and Dwelling Units #1 – 30.

Phase 2: Road A (Sta. 4+00 – 9+00), Road C (Sta. 16+00 – 26+94.31), Road F (Full Length), proposed cul-de-sac located at the end of Lakeview Avenue, Dwelling Units # 70 – 96, and Dwelling Units # 124 – 129.

Phase 3: Road C (Sta. 0+00 – 16+00), Dwelling Units #31 – 69, and Dwelling Units #97 – 123.

If applicable, off-site improvements shall be constructed prior to Phase 1. This includes, but is not limited to, the Dupre Pump Station Improvements and the Prospect Street & Lake Street Improvements. A phase shall be substantially complete prior to commencing the next phase. Essential infrastructure shall be completed (including roadway construction) prior to issuance of occupancy permits.

15. The applicant is proposing a berm with vegetative screening along the eastern property line to screen units 1 – 12 from the recently constructed single-family homes on Prospect Street. Per the approved landscape plan (Document #61), the berm with associated landscaping shall be installed prior to construction of Units 1 -12 and maintained in perpetuity.
16. The applicant shall provide security fencing with gated access around all stormwater basins in compliance with §245-13.D.(2)(g) and §245-13.D.(2)(i) of the Bellingham Subdivision Rules and Regulations.
17. 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.
18. 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.
19. 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.

20. 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.
21. 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.
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. 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.
25. 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.
26. 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 April 28, 2025 (Document #52), 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.
27. 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.

28. Fertilizers containing phosphorous are prohibited and shall not be used with in the site.
29. 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/screening which will be preserved in perpetuity.
30. 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.
31. § 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.
32. 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.
33. This Decision is binding on the Applicant's successors, assigns, agents, and employees. This approval shall insure to the benefit of and binding upon Wall Street Development Corp., 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.

34. All determination, Decisions, and conditions set forth within the Special Residential Use Special Permit, dated October 23, 2025, are hereby incorporated herein. Any violation of such conditions shall constitute a violation of this Permit.
35. The Applicant shall comply with §240-16B(5) and (6) regarding As-Built Plans and follow the policies of the As-Built handbook.
36. 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.

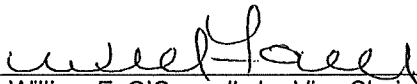
D. RECORD OF VOTE

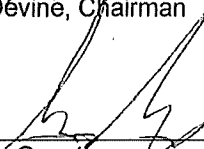
I vote to **APPROVE** the **PROSPECT HILL VILLAGE DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT**.

Bellingham Planning Board

October 23, 2025


Philip Devine, Chairman


William F. O'Connell, Jr., Vice Chairman


Stephen Goyette


Elizabeth Berthelette


Martin Roche

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 October 24, 2025.

Amy Bartelloni
Bellingham Town Clerk

EXHIBIT 2

ARTICLE III Planning Board

§ 240-15. Special permits.

In instances where this bylaw provides for special permits to be acted upon by the Planning Board, those actions shall be based upon the considerations of Article IV, Special Permits, unless specifically designated otherwise.

§ 240-16. Development plan approval.

The purpose of development plan approval is to promote public health, safety, and welfare, by encouraging the laying out of parking, circulation, and buildings in a safe and convenient manner; to ensure that new developments are designed to protect and enhance the visual and environmental qualities of the Town; and to provide for an adequate review of development plans which may have significant impacts on traffic, drainage, Town services, environmental quality and community character.

A. Applicability.

- (1) Unless proposed for single-family or two-family use, all development proposals are subject to development plan approval by the Planning Board if proposing any of the following:
 - (a) A new building containing 1,000 or more square feet gross floor area;
 - (b) An addition increasing ground coverage of any building by more than 2,500 square feet or, for buildings having ground coverage exceeding 10,000 square feet, an addition increasing that coverage by more than 10%;
 - (c) Substantial alteration to a parking facility having 10 or more spaces; a change to an existing parking area that either results in fewer parking spaces than required by § 240-59; or
 - (d) Removal/Disturbance of existing vegetative ground cover from more than 10,000 square feet of site area, unless done incidental to earth removal authorized by a special permit under § 240-114.
- (2) No building permit for such development shall be granted prior to Planning Board approval, except as provided at Subsection B(4) of this section.

B. Procedure.

- (1) Applicants are urged to confer with the Town Planner/Consultant regarding the materials necessary for submittal for development plan review, if applicable.
- (2) Development plan materials shall be submitted to the Planning Board Office, or other party designated by the Planning Board, who shall forthwith make a determination of whether those materials are complete, and if they are not, shall so notify the applicant and the Inspector of Buildings. Prior to filing an application for development plan approval with the Planning Board, the applicant shall distribute the application packages

to Town boards/departments pursuant to the Planning Board's Form K.¹ A copy of the fully executed Form K shall be included in the application package submitted to the Planning Board. Those agencies and officials provided with copies shall report their comments on compliance to the Planning Board not later than the time of the Planning Board's public hearing. Failure of these agencies and officials to provide a report to the Planning Board for consideration at the public hearing shall constitute their approval of the project. Prior to voting on the development plan, the Planning Board shall hold a public hearing on the submission. The notice, posting, and publication of the public hearing on the development plan shall be in accordance with the provisions of M.G.L. ch. 40A, § 11. Additionally, notice of the project, including a description of the project, date, time and location of the public hearing, shall be posted prominently on the project site by the applicant. "Prominently" shall mean with a sign or signs of at least two feet by two feet in size and easily visible from each roadway on which the property has frontage. The sign shall be yellow with black lettering, with large text at the top indicating "Public Hearing Notice."

- (3) The Planning Board shall determine whether or not the development plan complies with the requirements of § 240-19, Decision standards, within 60 days of the time that complete materials have been received by the Town Planner/Consultant, approving the plan only if it does. Within 15 days of its vote on the development plan, a copy of the development plan decision shall be filed with the Town Clerk and Inspector of Buildings, with a copy being sent or hand delivered to the applicant. Any interested party aggrieved by the development plan decision may file an appeal with the Board of Appeals within 30 days of the date the decision was filed with the Town Clerk, as provided in M.G.L. ch. 40A, §§ 8 and 15. The Inspector of Buildings shall not approve any building permit application subject to these provisions without receipt of Planning Board approval and expiration of a thirty-day appeal period, as certified by the Town Clerk.
- (4) Failure of the Planning Board to vote within 60 days of filing shall constitute constructive approval. In this case, the Inspector of Buildings shall issue a Certificate of Constructive Approval and file such certificate with the Town Clerk within 15 days of the Planning Board's failure to act. Appeals to the Certificate of Constructive Approval may be filed within 30 days of the date the decision was filed with the Town Clerk, as provided in M.G.L. ch. 40A, §§ 8 and 15. Upon expiration of the statutory appeal period without appeal, the Inspector of Buildings may issue a building permit.
- (5) "As-built" information.
 - (a) As-built information shall be provided to the Department of Public Works after installation of all underground utilities (water, sewer, drain, gas, electric, communications, etc.) and site construction (roads, access ways, driveways, parking, landscaping, lighting, etc.) noted on the approved plans or referenced in the decisions of special permits issued by the Planning Board, and prior to issuance of certificate(s) of occupancy.

1. Editor's Note: A copy of Form K is included as an attachment to Ch. 245, Subdivision Regulations.

- (b) As-built information shall consist of both a certification from a registered land surveyor, professional land surveyor, or professional engineer that all construction has been completed in accordance with the approved development plan, and a stamped as-built plan (record drawing) showing the location of all buildings and structures, all utilities, including septic system, leaching area, underground piping, vent pipes, drainage facilities, water wells, well piping, electric, gas, and telecommunications lines showing that all construction has been completed in accordance with the approved development plan.
- (6) To assure that ongoing construction complies with the approved development plan, the Town shall inspect all waterworks, wastewater, stormwater pipes, pavement grading, and appurtenant construction. At least one week prior to commencement of construction, the DPW Director shall be notified by certified mail of the intended commencement. The DPW Director shall, upon receipt of notification, appoint an agent and instruct said agent to make continuing inspections of the work to insure compliance with the approved development plans. The wages of said agent are to be determined by the DPW Director and paid to the Town by the applicant. If the agent is an employee of the Town, the cost will be the employee's standard pay scale plus 50% for indirect payroll costs. If the agent is a consultant, the wages will be in accordance with the agreement for services.

§ 240-17. Submittals.

- A. Prior to filing an application for development plan approval with the Planning Board, the applicant shall distribute the application packages to Town boards/departments pursuant to the Planning Board's Form K.² A copy of the fully executed Form K shall be included in the application package submitted to the Planning Board.
- B. The following materials shall be submitted for development plan approval, except any not germane to the specific case, as determined by the Planning Board and communicated to the applicant in writing prior to submittal. Refer to the Planning Board's Procedural Rules for additional information on submission requirements.
 - (1) A site plan prepared by a land surveyor, registered architect, landscape architect, professional engineer, showing the following:
 - (a) A locus plan at the scale of one inch equals 200 feet.
 - (b) The project name, North arrow, date, scale, name and address of record owner or owners, applicant, engineer, architect and their proper seals of registration. Names of all abutters within 300 feet of the site boundaries as determined from the latest tax records. If the property owner is not the applicant, a statement of consent from the property owner should be included with the application.
 - (c) Use and ownership of adjacent premises, approximate location of buildings within 50 feet of the site, and if the proposal entails on-site sewage disposal, the approximate location of any wells on or off the premises within 300 feet of the

2. Editor's Note: A copy of Form K is included as an attachment to Ch. 245, Subdivision Regulations.

leaching field or other discharge location.

- (d) Location and boundaries of the site and of any lots proposed, frontage, and abutting land, and an indication of abutting land under same ownership. The location of zoning districts, and overlay zoning districts within the locus of the plan.
 - (e) The location and footprint of existing and proposed buildings/structures, total area of buildings in square feet, streets, ways, drives, driveway openings within 300 feet of the site boundaries, walkways, service areas, parking spaces, loading areas, fences and screening, utilities, waste storage and disposal facilities, wells, and drainage facilities.
 - (f) Existing and proposed topography, at a minimum contour interval of two feet, and vegetation, indicating areas of retained vegetation and identifying the location of significant trees, historic features, and unique natural land features.
 - (g) Indication of wetlands and other areas subject to control under the Wetlands Protection Act, and the one-hundred-foot zone surrounding such areas, identified through field survey acceptable to the Conservation Commission; floodplain and floodway boundaries; and erosion control measures.
 - (h) The location and description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse and other disposal methods.
 - (i) Landscape plan showing planting areas, signs, fences, walls, walks and lighting, both existing and proposed. Location, type, and screening details for all abutting properties and waste disposal containers.
 - (j) The location, height, size, materials, and design of all proposed signage.
 - (k) The location, height, intensity, and bulb type of all external lighting fixtures, the direction of illumination, and methods to reduce glare onto adjoining properties.
 - (l) Location and description of proposed open space and recreation areas.
 - (m) A table of information showing how the plan conforms to the Zoning Bylaw.
- (2) Building floor plans and architectural elevations. A registered architect or engineer shall prepare the floor plans and architectural elevations, unless there is no building involved exceeding 35,000 cubic feet. Building elevation plans shall indicate the type and color of materials to be used on all facades.
- (3) A narrative describing the project, including:
- (a) Proposed use(s);
 - (b) Building or addition size proposed, broken down by use, if applicable;
 - (c) Projected number of employees, hours of operation and description of shifts;
 - (d) Projected parking spaces required (show calculation based on building usage/employees);

- (e) Proposed methods of screening the premises and parking from abutting property and the street;
 - (f) A calculation of existing and proposed lot coverage;
 - (g) Projected Town water and sewer demand, if any;
 - (h) A discussion of the status of all other required local, state and federal permits (copies of all permits issued for the project shall be included in the application package);
 - (i) A discussion of how the project conforms with the Bellingham Master Plan.
- (4) Drainage calculations/analysis.
 - (5) A traffic study/analysis, if required (refer to Planning Board's Subdivision Rules and Regulations for detailed requirements).³
 - (6) Evaluation of impact on water resources. The applicant shall submit such materials on the measures proposed to prevent pollution of surface and ground water, erosion of soil, excessive runoff of precipitation, excessive raising or lowering of the water table, or flooding of other properties. The evaluation shall include the predicted impacts of the development on the aquifer, and if applicable, and compare the environmental impacts to the carrying capacity of the aquifer.
 - (7) Evaluation of impact on landscape. The applicant shall submit an explanation, with sketches as needed, of design features intended to integrate the proposed new buildings, structures and plantings into the existing landscape to preserve and enhance existing aesthetic assets of the site, to screen objectionable features from neighbors and public areas.
 - (8) Any additional studies or other materials required under this article, under Article IX, Environmental Controls, and elsewhere in this bylaw.
 - (9) A development plan filing fee, as required in the Planning Board Rules and Procedures.

§ 240-18. Proposals in two municipalities.

Where a proposal is located in part in the Town of Bellingham and in part in an adjacent municipality, the provisions of development plan review shall apply as follows.

- A. Applicability of development plan review shall be determined by testing the entire proposal in both communities against the thresholds of § 240-16A.
- B. Submittals for the portion lying in the Town of Bellingham shall be as specified at § 240-17. For portions lying outside the Town, only those items necessary for the determinations of Subsection C of this section need be submitted.
- C. The proposal shall be approved, provided that the portion lying within the Town of

3. Editor's Note: See Ch. 245, Subdivision Regulations; and Ch. 246, Traffic Impact Analysis.

Bellingham complies with the requirements of the Zoning Bylaw and provided that outcomes from the entire development for impacts limited by the terms of this bylaw, such as light overspill (§ 240-49B), comply as measured in Bellingham.

§ 240-19. Decision standards.

The Planning Board shall approve a development plan only upon its determination that:

- A. The performance requirements of this bylaw (e.g., Article IX, Environmental Controls, and Article X, Parking and Loading Requirements) have been met.
- B. For the given location and type and extent of land use, the design of building form, building location, egress points, grading, and other elements of the development could not reasonably be altered to:
 - (1) Improve pedestrian or vehicular safety within the site and egressing from it;
 - (2) Reduce the visual intrusion of parking areas viewed from public ways or abutting premises;
 - (3) Reduce the volume of cut or fill;
 - (4) Reduce the number of removed trees eight inches trunk diameter and larger;
 - (5) Reduce soil erosion;
 - (6) Reduce hazard or inconvenience to pedestrians from stormwater flow and ponding.
- C. Adequate access is provided to each structure for fire and service equipment.
- D. Adequate utility service and drainage is provided, consistent where apt with the performance intent of the Design Standards of the Subdivision Regulations of the Bellingham Planning Board, as in effect at the time of the submission of the development plan.⁴
- E. Adequate capacity is available on impacted streets to accommodate the proposed project, based on a traffic study prepared in accordance with the traffic guidelines/regulations contained in the appendix of the Planning Board's Rules and Regulations for the Subdivision of Land.⁵ If a development is projected to cause a decrease in level of service (LOS) over the no-build condition on impacted streets, the Planning Board, at its sole discretion, may require implementation of mitigative measures and/or transportation demand management (TDM) measures to restore the LOS to the no-build condition.
- F. No other zoning violations are observed.

§ 240-20. Duration of approval.

Development plan approval shall become void two years from the date of issue, which two years shall not include time required to pursue or await determination of an appeal referred to in M.G.L. ch. 40A, § 15, unless any construction work contemplated thereby shall have commenced and

4. Editor's Note: See Ch. 245, Subdivision Regulations.

5. Editor's Note: See Ch. 245, Subdivision Regulations.

proceeded in good faith continuously to completion. In such case a request for extension of the date of completion must be submitted to the Planning Board in writing no less than 30 days prior to the date of expiration.

§ 240-21. Performance guarantee.

As a condition of development plan approval, the Planning Board may require that a performance guarantee, secured by deposit of money or negotiable securities, in the form selected by the Planning Board be posted with the Town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder. The amount of security shall be determined by an estimate from the applicant's engineer which may be confirmed or increased by the Board. The Town may use the secured funds for their stated purpose in the event that the applicant not complete all improvements in a manner satisfactory to the Board within two years from the date of approval, or the final date of the last extension of such approval, if any.

§ 240-22. Site plan review.

The purpose of the site plan review is to promote public health, safety and welfare by encouraging the laying out of parking, egress and change in uses in a safe and convenient manner for existing structures and/or construction of new development that do not require a development plan review.

- A. Applicability. The following development proposals, unless required to receive development plan approval under § 240-16, require site plan review by the Planning Board prior to approval for a building or occupancy permit by the Inspector of Buildings:
- (1) Any nonresidential development in a Business 1, Business 2 or Industrial Zone exceeding 10,000 square feet.
 - (2) Any change from a dwelling or residence in a Business 1, Business 2 or Industrial Zone to a business or industrial use, excluding, however, home occupations under § 240-72.
- B. Procedure. Materials required for site plan review shall be submitted to the Inspector of Buildings with or prior to application for a building or occupancy permit requiring site plan review. The Inspector of Buildings shall forthwith transmit such materials to the Planning Board, along with notification of the date by which action on the permit application is required. The Planning Board shall consider the materials at a meeting, and shall report its findings in writing to the Inspector of Buildings prior to the date on which he must act on the permit application. Failure to do so shall be construed as lack of objection. The Inspector of Buildings shall approve applications subject to site plan review only consistent with Planning Board findings timefully received.
- C. Submittals. The applicant shall provide as much of the materials specified at § 240-17 for development plan approval as is reasonably necessary for the Planning Board to determine compliance with § 240-19, Decision standards, and a filing fee as required under a schedule of fees to be established and from time to time amended by the Planning Board, based upon the actual cost of review. Applicants are urged to confer with the Town Planner regarding the materials necessary for submittal for site plan review.
- D. Planning Board Associate Member. As authorized in M.G.L. ch. 40A, § 9, there shall be one

Associate Member of the Planning Board. Such associate shall act on special permit applications when designated to do so by the Planning Board Chairman, in case of absence, inability to act, or conflict of interest on the part of any member of the Board, or in the event of a vacancy on the Board. The Associate Member shall be appointed for a three-year term by majority vote of the Selectmen and members of the Planning Board, in the same manner as for filling a vacancy.

- E. Repetitive petitions. Repetitive petitions for appeals, special permits and applications to the Planning Board shall be limited as provided in M.G.L. ch. 40A, § 16.

§ 240-54. Stormwater management.

A. Foundation grade.

- (1) Finished grade shall slope continuously downward for at least 10 feet in all directions from the foundation of any dwelling having a basement or cellar, at a slope of 1% or more on paved surfaces and 2% or more on other surfaces.
- (2) Drainage facilities, including detention basins, shall be designed consistent with the standards of the Rules and Regulations Governing the Subdivision of Land of the Bellingham Planning Board, as most recently amended.¹ Basin fencing materials shall be subject to approval by the Planning Board in conducting development plan review, and shall be selected to prevent accidental entry into the detention area, but still allowing visibility into it.

B. Stormwater management.

- (1) All development requiring in excess of 10 parking spaces or undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb an area equal to or greater than one acre of land, or will disturb less than one acre of land but is part of a larger common plan of development or redevelopment that will ultimately disturb an area equal to or greater than one acre of land, shall conform to the drainage requirements specified in the Rules and Regulations Governing the Subdivision of Land² and obtain a stormwater management permit per Section 7.0 with related Stormwater Management Plan and Operation and Maintenance Plan of the Planning Board Procedural Rules. Drainage design (hydrology) shall address, at a minimum, two-, ten-, and one-hundred-year twenty-four-hour rainfall storms, using TR-55 methods. Additionally, the drainage piping system (hydraulics) shall be designed for the twenty-five-year design storm, except that detention facilities shall be based on a one-hundred-year storm. Increases to peak rates of runoff shall not be allowed. Any increase in runoff volume shall be analyzed to ensure no increased flooding impacts off site. Pretreatment is required with any recharge facilities unless receiving flows are from rooftop areas only. Drainage calculations by a registered professional engineer shall be submitted to the reviewing body.
- (2) Drainage facilities, including detention basins, shall be designed consistent with the standards of the Rules and Regulations Governing the Subdivision of Land of the Bellingham Planning Board, as most recently amended.³ Basin fencing materials shall be subject to approval by the Planning Board in conducting development plan review, and shall be selected to prevent accidental entry into the detention area, but still allowing visibility into it.

1. Editor's Note: See Ch. 245, Subdivision Regulations.

2. Editor's Note: See Ch. 245, Subdivision Regulations.

3. Editor's Note: See Ch. 245, Subdivision Regulations.

EXHIBIT 3



BELLINGHAM PLANNING BOARD

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

October 23, 2025

PROSPECT HILL VILLAGE SPECIAL RESIDENTIAL USE TOWNHOUSE DWELLING SPECIAL PERMIT DECISION

A. BACKGROUND

Applicant: Wall Street Development, Corp.
P.O. Box 272
Westwood, MA 02090

Owner: Wall Street Development, Corp.
P.O. Box 272
Westwood, MA 02090

Public Hearing: The Public Hearing opened January 25, 2024 at 7:00 PM. Notice for the public meeting was published in *The Milford Daily News* on January 11, 2024 and January 18, 2024. The Public Hearing was continued to March 14, 2024, June 13, 2024, July 18, 2024, October 10, 2024, November 14, 2024, December 12, 2024, January 23, 2025, February 13, 2025, February 27, 2025, April 10, 2025, April 24, 2025, June 12, 2025, July 17, 2025 and August 14, 2025 when the Public Hearing was closed.

Date of Vote: October 23, 2025

The Premises: The project, also referred to herein as the "Site", consists of a 129 unit townhome development to be built in 43 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 Lake Street and Prospect Street, approximately 71.7+/- acres of land, shown on Assessor's Map 65 Lot 20, Map 65 Lot 22, Map 65 Lot 22-01, Map 65 Lot 22-02, Map 69 Lot 87, zoned Agriculture. Access to the site is proposed on Lake Street and Prospect Street with emergency access/egress being proposed on Lakeview Avenue.

The By-law

Section 240-101, Special Residential Use, Townhouse Dwellings

The Proposal:

To construct a 129-unit townhome development, to be built across 43 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. Cover Letter, prepared by Wall Street Development, Corp., dated December 12, 2023.
2. Application for Special Permit, dated December 12, 2023.
3. Application for Stormwater Management Permit, dated December 12, 2023.
4. Application for Development Plan Approval, dated December 12, 2023.
5. Certificate of Ownership, dated December 12, 2023.
6. Certificate of Municipal Taxes and Charges Paid, dated November 27, 2023.
7. Certified Abutters List (Parcels 65-20/ 65-22/ 65-22-1/ 65-22-2), certified on December 4, 2023.
8. Certified Abutters List (Parcel 69-87), certified on December 12, 2023.
9. Project Narrative, prepared by Wall Street Development, Corp., dated December 11, 2023.
10. Statement of Impact on Municipal Facilities and Services, prepared by Wall Street Development, Corp., dated December 11, 2023.
11. Statement of Compliance – Article IX – Environmental Controls, prepared by Wall Street Development, Corp., dated December 11, 2023.
12. Public Hearing Notice, received by the Town Clerk January 3, 2024.
13. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc., dated November 30, 2023.
14. Stormwater Management Report, prepared by GLM Engineering Consultants, Inc., dated November 30, 2023.
15. Traffic Impact & Access Study, prepared by Kimley Horn, revised November 2023.

16. Letter of Concern, prepared by the Town of Franklin Planning and Community Development Director, dated January 25, 2024.
17. Woonsocket Sewer Capacity email from Jon Pratt (City Engineer, Woonsocket, RI), dated March 4, 2024.
18. Letter of Opposition, prepared by the Town of Franklin Town Attorney, dated April 24, 2024.
19. Initial Peer Review – Site Plans and Stormwater Management, prepared by BSC Group, dated May 6, 2024.
20. Updated Initial Peer Review – Site Plans and Stormwater Management, prepared by BSC Group, dated May 9, 2024.
21. Town Encroachment Figure, prepared by Wall Street Development, Corp., received May 26, 2024.
22. Town Staff Meeting Memo, prepared by Robert Lussier, Director of Planning & Engineering, dated July 31, 2024.
23. Comment Response Letter, prepared by GLM Engineering Consultants, Inc., dated July 16, 2024.
24. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, revised date July 15, 2024.
25. Stormwater Report, prepared by GLM Engineering Consultants, Inc., revised date July 16, 2024.
26. Concept Plan with Access on Lake Street, prepared by Wall Street Development, Corp., received July 29, 2024.
27. Town Staff Meeting Memo, prepared by the Town of Bellingham Director of Planning & Engineering, dated July 31, 2024.
28. Updated Supplemental Peer Review, prepared by BSC Group, dated August 7, 2024.
29. Plan Set for Prospect Hill Village Sewer Extension (Four Sheets), prepared by GLM Engineering Consultants, Inc., dated August 12, 2024.
30. Wetland Resource Area Plan, prepared by GLM Engineering Consultants, Inc., dated September 30, 2024.
31. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc., revised date September 26, 2024.

32. Prospect Hill Village Sewer System Connection Design Review, prepared by Kleinfelder, dated October 23, 2024.
33. Traffic Impact & Access Study, prepared by Kimley Horn, revised October 2024.
34. Summary – Special Permit Decision Criteria, prepared by Wall Street Development, Corp., dated November 13, 2024.
35. Town Staff Update Memo, prepared by Robert Lussier, Director of Planning & Engineering, dated December 5, 2024.
36. Traffic Peer Review Letter, prepared by MDM Transportation Consultants, Inc., dated December 6, 2024.
37. Memo entitled, "Prospect Hill Estates, Townhouse Dwelling Calculations", prepared by KP Law, dated December 9, 2024.
38. Prospect Hill Village – Proposed Sewer System Connection Dupre Road Pump Station Impact, prepared by Kleinfelder, dated January 17, 2025.
39. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village, prepared by GLM Engineering Consultants, Inc., revised date January 30, 2025.
40. Stormwater Management Report, prepared by GLM Engineering Consultants, Inc., revised date January 30, 2025.
41. Comment Response Letter, prepared by Kimley Horn, dated February 20, 2025.
42. Plan entitled, "Prospect Street at Lake Street Proposed Mitigations", prepared by Kimley Horn, dated February 20, 2025.
43. Plan entitled, "Bellingham Ladder Truck Movement Lake Street to Prospect Street Northbound", prepared by Kimley Horn, dated February 20, 2025.
44. Updated Traffic Peer Review Letter, prepared by MDM Transportation Consultants, Inc., dated February 26, 2025.
45. Landscape Plan entitled, "Site Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc. & Steven G. Cosmos, RLA, dated March 10, 2025.
46. Initial Peer Review for Revised Design, prepared by BSC Group, dated March 19, 2025.

47. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc., revised date April 9, 2025.
48. Stormwater Report, prepared by GLM Engineering Consultants, Inc., revised date April 9, 2025.
49. Comment Response Letter, prepared by GLM Engineering Consultants, Inc., dated April 10, 2025.
50. Supplemental Peer Review for Revised Design, prepared by BSC Group, dated April 23, 2025.
51. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc., revised date April 28, 2025.
52. Supplemental Stormwater Report, prepared by GLM Engineering Consultants, Inc., dated April 28, 2025.
53. Comment Response Letter, prepared by GLM Engineering Consultants, Inc., dated April 28, 2025.
54. Town Staff Update Memo, prepared by Robert Lussier, Director of Planning & Engineering, dated May 6, 2025.
55. Town Staff Update Memo, prepared by Robert Lussier, Director of Planning & Engineering, dated May 13, 2025.
56. Waiver Request (§245-13.D.(2)(g) and (i)), prepared by Wall Street Development, Corp., dated May 22, 2025.
57. Waiver Request (§240-17.B.(1)(f)), prepared by Wall Street Development, Corp., dated May 22, 2025.
58. Preliminary Architectural Plans, prepared by Morabito Architects, dated May, 2025.
59. Photometric Plan entitled, "Prospect Hill Village – Bellingham, MA", prepared by SpecLines, dated June 2, 2025.
60. Form 11 – Soil Suitability for On-Site Sewage Disposal, prepared by GLM Engineering Consultants, Inc., dated June 2, 2025.
61. Landscape Plan entitled, "Site Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc. & Steven G. Cosmos, RLA, revised date June 5, 2025.
62. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc., revised date June 9, 2025.
63. Response Letter, prepared by GLM Engineering Consultants, Inc., dated June 9, 2025.

64. Prospect Hill Village Sewer System Connection Design Review and Comment Letter #3, prepared by Kleinfelder, dated June 30, 2025.
65. Final Peer Review for Revised Design, prepared by BSC Group, dated July 8, 2025.
66. Outlying Discussion Points Memo, prepared by Robert Lussier, Director of Planning & Engineering, dated July 8, 2025.
67. Summary Memorandum of Special Permit Decision, prepared by Wall Street Development Corp., dated August 7, 2025.
68. Plan Set entitled, "Special Residential Townhouse Development Plan – Prospect Hill Village", prepared by GLM Engineering Consultants, Inc., revised September 3, 2025.
69. Supplemental Stormwater Report, prepared by GLM Engineering Consultants, Inc., dated September 9, 2025.
70. Peer Review for Revised Design – Stormwater Management, prepared by BSC Group, dated September 25, 2025.
71. 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 seven lot development. The ANR was endorsed on July 8, 2021. The applicant also received approval through the Bellingham Planning Board for a 17 lot Definitive Subdivision (Approved May 11, 2023). 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 258 bedrooms. The Board has determined that the total bedroom count conforms with the bylaw and the Site shall be limited to no more than 258 bedrooms further conditioned herein.
3. The Applicant has proposed 129 townhome dwelling units to be constructed in 43 triplex buildings.
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. Municipal costs and Revenues

The proposed application includes utilizing the municipal sewer system with a proposed connection to the existing sewer pump station located along Dupre Road (known as the Dupre Road Pump Station). As a result, the Department of Public Works (DPW) retained Kleinfelder, a sewer system consultant, to review the applicant's proposal and offer recommendations for the proposed sewer connection. Per Kleinfelder's and the DPW's review, the Dupre Road Pump Station is plagued with operational issues and has required multiple repairs over the years, resulting in a significant amount of resources being utilized to keep the station operational. The unreliability of the station has led the DPW to revise the Town's sewer pump station specifications which implements submersible pumps.

Per Kleinfelder's October 23, 2024 Review Letter (Document #32), the Dupre Road Pump Station has adequate capacity, but due to the multiple operational problems, it is recommended that the station is upgraded to the new Town sewer pump station standards prior to adding significant additional sewage flows. The applicant has noted during the public hearing process that they are willing to improve the station to meet the Town's current specifications. In the event that the sewer line connection is not feasible, the applicant stated that they are willing to contribute a monetary lump sum of money to assist the Town in improving the station

even though the development will utilize on-site septic systems. Details regarding the Dupre Pump Station improvements and monetary contribution are referenced in the corresponding Development Plan Approval conditions of approval.

B. Effect on the range of available housing choice

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, Inclusionary Housing, of the Zoning Bylaws.

C. Service to identified housing needs

Since the adoption of the 2020 Town Master Plan, the Planning Board has received and approved applications which total 189 Townhouse Units, spanning over three (3) separate projects (Bungay Brook, Red Mill on the Charles, and a development located on Blackstone Street). As a result of the increased townhouse housing stock, the Town of Bellingham voted to remove, at the Spring 2021 Annual Town Meeting, the townhouse use from Article XV Special Residential Uses in the Bellingham Zoning Bylaws. The proposed Prospect Hill Village project is equivalent to 68% of the total townhouse units approved since the adoption of the 2020 Town Master Plan and will continue to saturate the Townhouse market in Bellingham.

D. Service to current Bellingham residents

The proposed Townhouse development will provide additional housing units to Bellingham residents looking for a new home or allow new residents to move to Bellingham.

E. Support for local business activity and jobs

That support for local business activity shall be improved by adding an increased density of dwelling units, servicing the numerous small businesses in Town as well as the commercial corridor located on Mechanic Street.

F. Impact on the natural environment, especially on ground and surface water quality level

The proposal allows for significant open space to be maintained in perpetuity and is surrounding a dense village style development. Peer review was conducted as part of the review process to determine conformance with local and state Stormwater Management Standards. The proposed development will provide adequate treatment, detention,

and infiltration to meet the applicable standards to protect surface water quality levels.

The proposal is located within Bellingham's Water Resource District and is subject to Section 247-33.B.(1) of the Bellingham Wetlands Regulations. Per the most recent Site Plan (Document #68) and Stormwater Management Peer Review Letter (Document #65), prepared by BSC Group, dated July 8, 2025, the proposed design does not meet the separation to groundwater requirements as proposed excavation is within four feet of estimated seasonal high groundwater for proposed Basins 1, 2, and 4. Ground water quality level is not protected due to the proposed design not being in compliance with the Water Resource District.

G. Impacts on traffic safety and congestion, adequacy of water service, and need for school facilities

The adequacy of water service and need for school facilities have been reviewed and determined to be negligible. 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.

A Traffic Impact & Access Study was included as part of the application and further peer reviewed by a third-party consultant. The peer review concluded agreement with the applicant's findings. As part of the scope of the project, it was determined that the project would result in minimal changes in delay to the Prospect Street and Lake Street intersection. As a result, mitigation was incorporated in the application to allow better circulation and safer movements at this intersection. As discussed during the public hearing process, these improvements would require approval through the Town of Franklin and involve improvements on private property. As these improvements depend on approvals outside of the Town of Bellingham Planning Board's jurisdiction, it is unclear if the mitigation associated with the Prospect Street and Lake Street intersection can be conducted.

H. Impacts on the visual environment through preservation or displacement of visual assets, and consistency with existing development in area

The proposed development will maintain areas of open space and incorporate a landscape plan (Documents #46 & 61). Due to the proposed townhouse use, the development is subject to the 100' buffer provision as noted in §240-31 and §240-95 of the Town of Bellingham Zoning Bylaws.

The applicant has requested a waiver per the above noted bylaws, which was denied by the Bellingham Planning Board. As a result, the applicant has removed the proposed townhouse dwellings from the 100' buffer zone and is in compliance with §240-31 and §240-95 of the Town of Bellingham Zoning Bylaws.

Please note, the Town of Bellingham Planning Board received, reviewed, and ultimately approved a definitive subdivision for this property on May 11, 2023. The proposal included 17 single-family residential lots with lot areas greater than two (2) acres. As the special permit approval criteria states, "*if the Planning Board determines that the proposal would serve Town interests better than would single-family development of the same area*", the board has reviewed these findings in comparison to the approved definitive subdivision and finds the current special permit application is deemed insufficient for §240-108.C, §240-108.F, and §240-108.G.

C. DECISION

Based on the above determinations, the Planning Board finds that the proposal does not meet the requirements of the Zoning By-Law, and by a vote of 5 to 0 is not in favor, accordingly, denies the Applicant and its successors and assigns as owner of the premises, a Special Residential Use Special Permit.

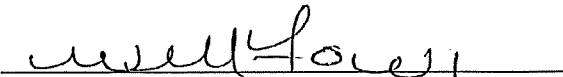
D. RECORD OF VOTE

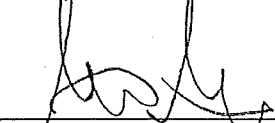
I vote to DENY the PROSPECT HILL VILLAGE TOWNHOME SPECIAL RESIDENTIAL USE SPECIAL PERMIT.

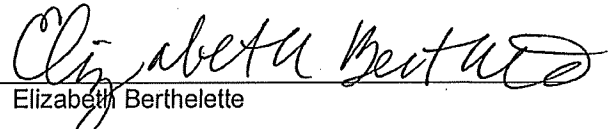
Bellingham Planning Board

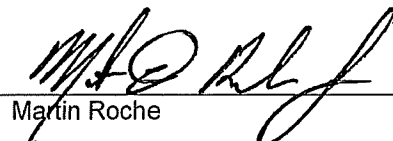
October 23, 2025


Philip Devine, Chairman


William F. O'Connell, Jr., Vice Chairman


Stephen Goyette


Elizabeth Berthelette


Martin Roche

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 October 24, 2025

Amy Bartelloni
Bellingham Town Clerk