



BELLINGHAM PLANNING BOARD

10 MECHANIC STREET
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February 25, 2021

0 SOUTH MAPLE STREET INDUSTRIAL BUILDING DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT DECISION

A. BACKGROUND

Applicant: Eastland Partners, Inc.
997 Millbury Street
Worcester, MA 01607

RCV FEB 26 '21 AM 10:38:
BELLINGHAM TOWN CLERK

Owner: Cx3 Properties, LLC
4 Charlesview Road,
Suite 1
Hopedale, MA 01747

Public Hearing: The Public Hearing opened December 10, 2020 at 7:00 PM. Notice for the public meeting was published in *The Milford Daily News* on November 26, 2020 and December 3, 2020. The Public Hearing was continued to January 14, 2021, February 11, 2021 and February 25, 2021, when the Public Hearing was closed.

Date of Vote: February 25, 2021

The Premises: The project location, also referred to herein as the "Site" or the "Premises", is located at 0 South Maple Street, Assessors Map 57-8, approximately 25,500+/- square feet of land, zoned Industrial.

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

The Proposal: To construct a 9,600 square foot industrial building with associated improvements accessed by an existing shared driveway.

The Proposal was documented with the following materials:

1. Application for Development Plan Review, received November 19, 2020, including a narrative and project description.
2. Application for Special Permit, received November 19, 2020, including a narrative and project description.
3. Certificate of Ownership Authorization, received November 19, 2020.
4. Quitclaim Deed, book 37400 page 532, dated December 3, 2019.
5. Subdivision Plan of Land, by Celtic Engineering, dated March 9, 1988.
6. Certificate of Municipal Liens, received November 19, 2020.
7. Certified Abutter's List, Town of Bellingham, dated October 19, 2020.
8. Site Development Plans, 0 South Maple Street, by Turning Point Engineering, last revised February 16, 2021 (also known as the Approved Plan).
9. Stormwater Report, by Turning Point Engineering, last revised January 29, 2021.
10. Floor Plans and Elevations, by Mohagen Hansen, received November 19, 2020.
11. Staff Checklist, James Kupfer, Town Planner, dated December 4, 2020.
12. Peer Review of Stormwater, by BSC Group, dated January 5, 2021.
13. Response to Peer Review, by Turning Point Engineering, dated January 27, 2021.
14. Peer Review of Stormwater via email, by BSC Group, dated February 8, 2021.
15. Response to Abutter Comments, by Turning Point Engineering, dated January 29, 2021.
16. Response to Abutter Comments, by Turning Point Engineering, dated February 5, 2021.
17. 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 Applicant has provided the Building Commissioner with sufficient evidence to confirm that Assessors Map 57-8 complies with §240-34 Isolated Lots.
2. The Applicant has filed a development plan proposing a shared access/egress and parking with 47 South Maple Street. The Applicant has also provided a draft Access Easement allowing for the owner of Assessors Map 57-8 to share both the egress on South Maple Street, its shared driveway and shared parking area.
3. That the use proposed is limited to warehousing and distribution along with a retail accessory use.
4. That the Premises is located on South Maple Street, which is not Scenic Road.
5. That the Premises is not located in a Water Resource District.
6. The performance requirements of the Zoning By-Law (e.g. Article IX Environmental Controls, Article X Parking and Loading Requirements, Article XI Landscaping Requirements) have been met or a waiver has been requested and granted.
 - a) §240.49 Light and Glare: A photometric plan has been provided demonstrating compliance. Any exterior 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: Proposed uses do 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 and Bellingham Zoning By-laws. The standards include removing solids from the stormwater, reducing rates of runoff from the site, and recharging the groundwater.
 - g) §240.58 Noise: The use proposed was determined to not add noise concerns in excess of the maximum allowable noise levels. The hours of operation have been conditioned hereinafter which shall limit any noise disturbance from vehicular sounds or HVAC systems.
7. For the given location and type and extent of land use, the design, 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. The radius of the existing entrance was determined to accommodate emergency services largest vehicle and the shared private driveway was selected to minimize further disturbance;
 - b) reduce the visual intrusion of parking areas viewed from public ways or abutting premises, by siting the parking behind the building and providing landscaping 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, by replacing the mature trees with an increased landscape replication plan.
 - 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 adequate access as emergency services has reviewed and approved the plan as proposed and deemed access to be acceptable;
 - g) provide alternative utility service and drainage as the Board's peer review engineer has reviewed and deemed the plan acceptable as proposed and demonstrated in the Stormwater Management Report;
 - h) provide additional capacity on impacted streets to accommodate the proposed project as access to the Site will be approximately one vehicle every three to four months that is serviced by a private driveway and not to be used for access beyond that of maintenance of the proposed use.
8. No other zoning violations were observed.
9. The Board finds that compliance with the below conditions are necessary to mitigate impacts related to the construction and use resulting from 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 and/or operator 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, and as may be conditioned herein. 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 any disturbance of land, the Applicant shall provide the Board with a recorded Grant of Easement which shall provide the Applicant with the "proposed access, construction, and utility easement" shown on the Approved Plan.

3. Hours of operation shall be 6 a.m. to 9 p.m. Monday through Sunday. No deliveries or exterior work shall be allowed outside of normal business hours 7 a.m. to 6 p.m. Monday through Saturday. No exterior operations or deliveries on Sundays.
4. Prior to the start of construction, sediment and erosion controls shall be installed and be subject to the inspection and approval by the Town Planner.
5. Construction hours for all construction or staging activities on-site shall be Monday through Friday, from 7:00 am to 5:00 pm. Construction activity shall also be permitted on Saturdays from 7:00 am to 4:00 pm. No construction activity shall take place outside the specified permitted hours or on Sunday or New Years' Day, Memorial Day, July Fourth, Labor Day, Thanksgiving, Christmas, or other legal holiday. Work outside of these hours may be considered upon review and approval by the Building Commissioner prior to any work outside of these hours commencing. Upon review and approval by the Building Commissioner the Applicant shall notify the Police Department of the time and date of work commencing.
6. All construction related parking shall be conducted on-site. No parking of any vehicle associated with the Project shall park on nearby parcels including those vehicles arriving early. There shall be no staging of vehicles on nearby parcels. And all vehicles associated with the Project shall enter into the temporary construction entrance and park within the construction fencing at all times.
7. During construction, no run-off shall be directed down the proposed driveway onto South Maple Street or onto abutting properties. The Applicant shall maintain any drainage or sediment controls in good working order and maintain the construction site free of dust that would create a hazard or nuisance to adjacent properties.
8. 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. The Site shall be limited to one monument sign.
9. The Stormwater Management Operation and Maintenance Plan (O&M), last revised January 29, 2021, 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.

10. Snow and ice removal shall be the responsibility of the Applicant or a successor and shall be performed in accordance with the approved O&M.
11. In accordance with the Flexible Parking Special Permit, the Board has granted a reduction in parking from 26 parking spaces to 19 parking spaces.
12. Phosphorous-based fertilizer shall not be used on the Site.
13. 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.
14. Prior to issuance of a Certificate of Occupancy a Sewage Disposal Construction Permit from the Board of Health shall be obtained to service the proposed use/structure.
15. Prior to issuance of a Certificate of Occupancy, the Applicant or Tenant shall deliver to the Town Planner a complete list of hazardous materials proposed to be used or stored at the building to the extent required under §240.51 of the Bellingham Zoning Bylaws or other applicable law.
16. Prior to the commencement of construction, the Applicant shall schedule a preconstruction meeting with the Town Planner and the Board's designated inspector. The Board's inspector shall be permitted to conduct routine inspections, as may be reasonably 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. Such inspectional fund shall be governed under M.G.L. c. 44 §53G or such other applicable statutory method as may be appropriate.
17. As required by the Bellingham Department of Public Works, any and all access and utility easements that may be necessary shall be in a form approved by Town Counsel prior to the issuance of the Certificate of Completion, such approval shall not be unreasonably withheld.
18. This Decision is binding on the Applicant's successors, assigns, agents, and employees. This approval shall insure to the benefit of and binding upon Cx3 Properties, LLC provided there is no change in use for the Premises. The Planning Board shall be notified in writing of any changes in affiliates and successors in title and additional users of the Premises.
19. Any change of use or increase of intensity of the permitted use may require a public hearing to either modify the existing permit or to issue a new permit.

20. All determinations, Decisions, and conditions set forth within the Flexible Parking Permit, dated February 25, 2021, are hereby incorporated herein. Any violation of such conditions shall constitute a violation of this Permit.
21. The Applicant shall comply with §240-16B(5) and (6) regarding As-Built Plans and follow the policies of the As-Built handbook.
22. 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 **0 SOUTH MAPLE STREET INDUSTRIAL BUILDING DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT.**

Bellingham Planning Board

February 25, 2021




William F. O'Connell, Jr., Chairman

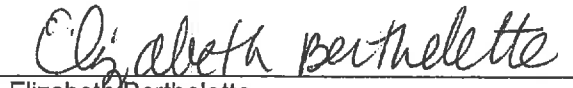
Brian T. Salisbury, Vice Chairman



Phillip Devine



Dennis J. Trebino



Elizabeth Berthelette

Appeals of this Decision may be made within thirty 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 February 26, 2021.

Lawrence J. Sposato, Jr.
Bellingham Town Clerk