



BELLINGHAM PLANNING BOARD

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

CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN FOR INDUSTRIAL DRIVE SEPTEMBER 27, 2018

A. BACKGROUND

Applicant: William Way Partners, LLC
24 William Way
Bellingham, MA 02019

Owner: William Way Partners, LLC
24 William Way
Bellingham, MA 02019

Public Hearing: The Public Hearing opened Thursday, August 23, 2018 at 7:00 PM. Notice for the public meeting was published in the Milford Daily News on Thursday, August 9, 2018 and August 16, 2018.

The Public Hearing was continued to September 13, 2018 and September 27, 2018, when the Public Hearing was closed.

Date of Vote: September 27, 2018.

The Premises: The 10.39 acre site is located on William Way in Bellingham, Assessors Map/Lot Number 48-15, in an Industrial zone, also referred to herein as the "Site."

The By-Law: Section 245-10, Subdivision Regulations, Definitive Plan

The Proposal: To develop a two lot industrial subdivision by creating a private way off of William Way, as shown on the plan Definitive Subdivision Plan for Proposed Industrial Drive, last revised September 4, 2018, by Bohler Engineering also referred herein as the "Plan" or "Approved Plan".

The Proposal was documented with the following materials:

1. Application for Definitive Subdivision Permit, received August 2, 2018
2. Certified Abutters List, Town of Bellingham, dated July 23, 2018

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TOWN OF BELLINGHAM

3. Project Narrative and Project Description, Bohler Engineering, dated July 31, 2018
4. Definitive Subdivision Plan for Proposed Industrial Drive, by Bohler Engineering, last revised September 4, 2018
5. Stormwater Pollution Prevention Plan for Construction Activities, by Bohler Engineering, dated September 4, 2018
6. Planning Board Staff Memo, by James Kupfer, Town Planner, dated August 8, 2018
7. Email Comments, by Don DiMartino, DPW Director, dated August 7, 2018
8. Email Comments, by Board of Health Agent Mike Catalano, dated August 21, 2018
9. Peer Review of Stormwater and Traffic Impacts, by BETA, dated August 20, 2018
10. Response to Peer Review Comments, by Bohler Engineering dated September 5, 2018
11. Peer Review of Stormwater and Traffic Impacts, by BETA, dated September 10, 2018
12. Drainage Report for 24 William Way, by Bohler Engineering, last revised September 4, 2018
13. 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. Completeness and technical adequacy of all submissions have been reviewed and confirmed to meet the Bellingham Zoning Bylaws and the Rules and Regulations Governing the Subdivision of Land for the Town of Bellingham or relief has been granted.
2. The Board has determined that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others because of possible natural disasters, traffic hazard or other environmental degradation and has been documented through Town contracted peer review.
3. The Board has confirmed that the proposed subdivision has been designed and improvements have been made by the developer consistent with the requirements of Article IV of the Regulations Governing the Subdivision of Land for the Town of Bellingham or relief has been granted.

4. Determination, based upon the environmental analysis and drainage report, that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an alternative development plan. The developer has designed the subdivision utilizing low impact design techniques and the Board has further required additional pervious water recharge islands.
5. Access meets or exceeds standards as provided in the Regulations Governing the Subdivision of Land for the Town of Bellingham §245-6.

C. WAIVERS

In approving the Plan, the Board waives the following requirements of the Subdivision Regulations:

1. §245-10A(1)(e) - required test pits every 300 feet within the proposed roadway.
2. §245-10A(1)(k) - required road cross sections for each cross section variant at all critical locations
3. §245-10C(1)(b) - required existing center line profile for intersecting streets to be shown for at least 100 feet each side of the intersection of the street center lines.
4. §245-12B(2) – required minimum center line radius of any curve shall be 200 feet on a collector street or where gradient exceeds 5%
5. §245-12D(2) – required that the center line of the paved surface shall normally coincide with the right of way center line
6. §245-13C(3) – required curb inlets for every catch basin. Curb inlets shall be granite.
7. §245-13D(1) - required detention basin to be constructed on an independent lot.

D. CONDITIONS OF APPROVAL

Approval is granted on the condition that prior to endorsement of the Planning Board's approval, the developer shall furnish guarantees to the Planning Board as provided in the Subdivision Regulations that, except as otherwise expressly provided in GL C. 41, Section 81-U, no lot included in the subdivision shall be built upon or conveyed until the work on the ground necessary to serve such lot has been completed in the manner specified by the Subdivision Regulations of the Town of Bellingham or a performance bond or other security in lieu of completion has been accepted by the Planning Board. The Applicant shall be permitted to choose the type of security instrument that is authorized under §81U but the actual form of such instrument is subject to the prior review and approval of Town Counsel.

The Plan is approved with the following additional specific conditions:

I. General Conditions

1. The 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 Bylaws and Subdivision Control Law. 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.
2. The roadways and infrastructure depicted on the Plans shall be maintained by the Applicant or a successor in perpetuity. Industrial Drive, as identified on the Approved Plan, shall be a private way in perpetuity.
3. Snow and ice removal shall be the responsibility of the Applicant. Snow and ice removal shall be undertaken as soon as is practicable after snowfall and shall not impede or obstruct the roadway or the sight lines thereon and so as not to impede or obstruct the hydrants.
4. A Planning Board or DPW representative (i.e. inspector and/or engineer) shall be charged with general oversight over the construction activities of the project. In this capacity, the representative shall, during periods of active construction, conduct periodic inspections as reasonably necessary to ascertain the status and nature of work at the site and provide reports to the DPW and Planning Board. In addition, the Applicant shall also provide the representative with any pertinent photographs, logs, data or other information that may be helpful in the monitoring process. Such services shall be reasonably tailored to the extent and type of construction work being conducted at any particular time. The Applicant shall be provided with an opportunity to review the scope of services prior to commencement thereof.
5. The Planning Board, DPW's representative and Town Counsel may require reasonable fees for any services contemplated hereunder which shall be paid by the Applicant in the manner prescribed by M.G.L. c. 44 §53G. The Applicant shall also pay for all third party inspections of project infrastructure, as may be reasonably required by the DPW or the Planning Board or DPW's representative.
6. The Applicant shall strictly adhere to any and all agreements by and between it and the Town of Bellingham. Any breach of such agreements shall constitute a violation of the terms of this permit.
7. This permit shall not be valid until recorded with the Norfolk County Registry of Deeds and evidence of such recording is provided to the Planning Board, Inspector of Buildings, and the Board of Appeals.
8. Any and all easements that may be necessary to complete and occupy the Project shall be in a form approved by the Town Counsel, such approval not to be unreasonably withheld.

II. Phases Of Construction

The Subdivision shall be constructed in one phase. All proposed improvements, including construction of all ways and installation of municipal services for each lot in accordance with the Plan and the applicable Rules and Regulations Governing the Subdivision of Land for the Town of Bellingham are to be completed within a period of 24 months from the date that the Town Clerk has certified that no appeal has been filed, or that if such appeal has been filed, it has been dismissed or denied.

III. Commencement of Construction

Commencement of construction shall begin within 6 months following the date of approval of this decision. As used herein "commencement of construction" is hereby defined as any clearing or preparation of the Site for development of the project approved herein.

V. Prior to Plan Endorsement

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

VI. Prior To Construction

1. The Applicant shall notify the Department of Public Works and the Planning Board in writing no later than seven (7) days prior to the start of construction to schedule a pre-construction meeting with the Applicant and the contractor(s).
2. Sediment and Erosion controls shall be installed and be subject to inspection and approval by the Town Planner prior to commencement of construction.

VII. Prior to Issuance of First Building Permit

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

1. A Sewage Disposal Construction Permit from the Board of Health shall be obtained for each on-site septic system prior to the issuance of a Building Permit for each lot.
2. The Applicant shall submit association documents to the Planning Board ensuring compliance with the terms hereof.

VIII. Prior to Issuance of First Building Occupancy Permit

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

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

IV. Completion of Construction

Failure of the developer to complete the construction of ways and installation of municipal services in the time noted above shall result in an automatic lapse of this approval, unless otherwise extended at the request of the Applicant. An extension request shall be made at least 30 days prior to the permit expiration.


IX. Prior To Release Of Final Security

The following shall have been completed prior to release of final security:

Subdivision Regulations §245-16G, Recorded Plan Submittal, upon completion of construction, and before release of the final security, the Applicant shall have prepared and submitted stamped Record Plans. Those plans shall indicate the actual location of all identified in §245-16G.

The Applicant shall furnish the Board with five copies of the Record Plan (3 full size and 2 half size), a digitized copy of the plan, a copy of final covenants and restrictions, noting book, page number, and date of recording for both the plan and the covenants, a deed transferring all ways and easements to the Town, said deed to be held in escrow by the Town Clerk, as required at §245-10(1)(3) of the Rules and Regulations Governing the Subdivision of Land for the Town of Bellingham.

Respectfully submitted,



William F. O'Connell, Jr., Chairman



Brian T. Salisbury, Vice Chairman



Peter C. Pappas, Secretary




Dennis J. Trebino

Planning Board

Date: 9/27/18

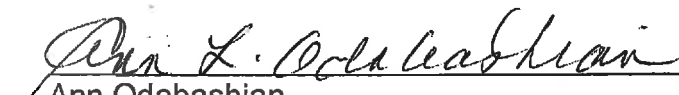
This Decision along with all plans referred to in it, was filed with the Town Clerk on September 28, 2018.



Town Clerk

I hereby certify that 20 days have elapsed since September 28, 2018, the date the foregoing Decision was filed with the Town Clerk and no notice of appeal has been filed during that period.

Date: October 19, 2018



Ann Odabashian
Bellingham Town Clerk



BELLINGHAM PLANNING BOARD

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

RECEIVED
TOWN OF BELLINGHAM
2018 SEP 28 AM 8:24

September 28, 2018

Ann Odabashian, Town Clerk
10 Mechanic Street
Bellingham, MA 02019

Re: Industrial Drive Definitive Subdivision

Dear Ms. Odabashian,

The Bellingham Planning Board hereby certifies that at a meeting of said Board on September 27, 2018, at which a quorum was present, following a public hearing by the Board opened on August 23, 2018, continued to September 13, 2018 and September 27, 2018 when the hearing was closed pursuant to notice published in the Milford Daily News on August 9, 2018 and August 16, 2018, it was VOTED: that the Definitive Plan of a subdivision Industrial Drive Definitive Subdivision, last revised September 4, 2018, prepared by Bohler Engineering registered as engineer and land surveyor in Massachusetts, submitted for the Boards approval by the applicant and owner William Way Partners, LLC, be and hereby is approved.

If you have any questions, please feel free to contact Jim Kupfer, Town Planner.

Sincerely,

William F. O'Connell, Jr., Chairman

Attachment



TOWN OF BELLINGHAM

OFFICE OF TOWN CLERK

Bellingham Municipal Center
10 Mechanic Street
Bellingham, MA 02019

Town Clerk
Ann L. Odabashian

Tel: 508-657-2830
Fax: 508-657-2832

DATE October 19, 2018

TO: Bellingham Planning Board

RE: William Way Partners, LLC

24 William Way

This is to inform you that 20 days have elapsed since September 28, 2018, the date the above was filed with the Town Clerk, and that no notice of appeal has been filed with this office during that period.

A certified copy attesting this is available and on file in this office.

Sincerely,

Ann L. Odabashian
Bellingham Town Clerk