



# BELLINGHAM PLANNING BOARD

10 MECHANIC STREET  
BELLINGHAM, MASSACHUSETTS 02019  
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October 25, 2018

## 866 SOUTH MAIN STREET DEVELOPMENT PLAN AND STORMWATER MANAGEMENT PERMIT DECISION

### A. BACKGROUND

**Applicant:** Sri Shiva Temple, Inc  
15 North Main Street, Suite A-1  
Bellingham, MA 02019

**Owner:** Bel Air Gardens, Inc.  
15 Hopsewee Drive  
Bluffton, SC 29910

**Public Hearing:** The Public Hearing opened Thursday, August 9, 2018 at 7:00 PM. Notice for the public meeting was published in the Milford Daily News on Thursday, July 26, 2018 and August 2, 2018.

The Public Hearing was continued to September 27, 2018, October 11, 2018 and October 25, 2018 when the Public Hearing was closed.

**Date of Vote:** October 25, 2018.

**The Premises:** The 16.8 <sup>±</sup> acre site is located at 866 South Main Street, Assessors Map/Lot Number 71-05 in an Business-1 zone, also referred to herein as the "Site."

**The By-Law:** Section 240-16 Development Review Approval and Section 240-54 Stormwater Management

**The Proposal:** The proposal requests the ability propose to construct a 54,400 square foot Hindu Temple and associated housing units and site improvements at 866 South Main Street (the "Project"), as shown on the plan entitled Proposed Hindu Temple, 866 South Main Street Site Plan by Andrews Survey and Engineering Inc., last revised October 2, 2018, also referred to herein as the "Plan".

The Proposal was documented with the following materials:

1. Application for Development Plan, received July 10, 2018
2. Application for Stormwater Management Permit, received July 10, 2018
3. Proposed Hindu Temple, 866 South Main Street Site Plan by Andrews Survey and Engineering Inc., last revised October 2, 2018
4. Certified Abutters List, Town of Bellingham, dated June 11, 2018
5. Project Narrative and Project Description, Andrews Survey and Engineering Inc., received July 10, 2018
6. Traffic Impact Report, by WSP USA, Inc., dated April 18, 2018
7. Planning Board Staff Memo, by James Kupfer, Town Planner, dated July 16, 2018
8. Email Comments, by DPW Director Don DiMartino, dated July 17, 2018
9. Email Comments, by Board of Health Agent Mike Catalano, dated July 24, 2018
10. Signage Plan, Andrews Survey and Engineering Inc, dated September 1, 2018
11. Elevation and Floor Plans, by Sri Logos International, received August 6, 2018
12. Sidewalk Repair Plan, by Andrews Survey and Engineering Inc. dated October 4, 2018
13. Peer Review of Stormwater, Provisions Professional Services Corporation, PC, dated September 7, 2018
14. Response to Peer Review Comments, by Andrews Survey and Engineering Inc. dated September 17, 2018
15. Response to Peer Review Comments, by WSP USA, Inc. dated September 21, 2018
16. Peer Review of Stormwater, Provisions Professional Services Corporation, PC, dated September 28, 2018
17. Response to Peer Review Comments, by Andrews Survey and Engineering Inc. dated October 2, 2018
18. Stormwater Report for 866 South Main Street, by Andrews Survey and Engineering Inc., last revised October 2, 2018
19. 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 made the following determinations:

1. That the Applicant currently has an existing location at 15 North Main Street, Suite A-1. The Sri Shiva Temple is now seeking a permanent site for religious purposes. M.G.L. 40a Section 3 (commonly referred to as the Dover Amendment) exempts religious uses from local zoning code. However, M.G.L. 40a Section 3 specifies that the Planning Board shall review any exempt project for the health, safety and welfare of the Town. In order to provide the Board with a full understanding of the project, the Board requested, and the Applicant agreed to submit a Development Plan and Stormwater Management Application.

2. That the Planning Board reviewed the proposed access and agreed that the proposal allows for reasonable access to the Site and therefore does not require the 150 linear feet as required in the Bellingham Zoning Bylaw.
3. That the Planning Board reviewed traffic impacts to the neighborhood. It was determined that approximately 8 vehicle trips would occur during weekday peak hours and 30 vehicle trips on Saturday peak hours. Additionally, six to ten times a year the Applicant will host religious events. These events could anticipate up to 300 visitors. During those events the Applicant has agreed to request police traffic detail and offsite traffic mitigation further conditioned below.
4. The Plan provides for 225 parking spaces. The required parking under the Zoning Bylaw is 207.
5. That the Site is not located within the Water Resource District
6. The Plan meets the performance requirements of this By-Law (e.g. Article IX Environmental Controls, Article X Parking and Loading Requirements, Article XI Landscaping Requirements) either by-right or by relief granted under this Permit. The relief granted herein is based upon evidence provided to the Board during the hearing. Any future changes to the Plan are subject to and must comply with the requirements of this Decision or must receive approval of the Board under a request for amendment to this Decision.
  - a. Section 240.49 Light and Glare: Parking Lot lighting is proposed and is illustrated on the photometric plan provided. While the photometric complies with the Zoning Bylaw this decision shall be further conditioned to confirm dark sky standards are enforced. Any additional exterior lighting added shall be submitted to the Town Planner for his review to confirm compliance with the Zoning Bylaws.
  - b. Section 240.50 Air Quality: There will be no manufacturing within the Site. The proposal does not involve emission of odorous gases in such quantities to be offensive. The only point source of emissions identified to the air will be from vehicles entering and exiting the Site and those operating on the Site.
  - c. Section 240.51 Hazardous Materials: No hazardous materials, as defined in this section, are proposed to be used or stored on Site, except as customarily used or stored as part of the proposed use in compliance with law.
  - d. Section 240.52 Vibration: The Applicant does not propose any use that produces vibration which is discernible to the human sense of feeling (except as 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. Section 240.53 Electrical Disturbance: No electrical disturbance is proposed or will be permitted which adversely affects the operation of any equipment other than that of the creator of such disturbance.
  - f. Section 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 Massachusetts Department of Environmental Protection and the Bellingham Zoning Bylaws. The standards include removing solids from the stormwater, reducing the rates of runoff from the site, and recharging the groundwater.
  - g. Section 240.58 Noise: The use proposed on the Site was determined to not add noise concerns as all activities currently exist and are sited with in an industrial area.
7. 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. The Applicant has stated that many who attend the Temple may walk and therefore improved sidewalk connections have been proposed and conditioned further;
  - b. Reduce the visual intrusion of parking areas viewed from public ways or abutting premises by preserving vegetative buffers. The proposed access driveway has been kept to the minimum practicable width, landscaping has been added, and fencing along areas where abutters are in close proximity;
  - c. 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. Existing vegetation along the frontage of the Site is to be preserved as shown on the Plan;
  - e. The project has been designed to comply with the DEP Stormwater Handbook and the Bellingham Zoning Bylaws. A Stormwater Report has been prepared including an Operation and Maintenance Plan consistent with the Town of Bellingham requirements.
  - f. The stormwater system has been designed to manage any increase in stormwater runoff and is contained entirely on site and is subject to further review, as conditioned herein.
8. Adequate access is provided for fire and service equipment and has been reviewed and approved by Emergency Services.
9. Adequate utility service and drainage is provided. The Board of Health Agent

witnessed the test pits.

10. Projected peak hour traffic will not increase in the study area by 25% or more above levels otherwise anticipated at the time of occupancy.
11. No zoning violations are observed.

### **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 in favor and 0 opposed, accordingly, grants the Applicant and its successors and assigns as owner of the premises, Development Plan and Stormwater Permit Approval in accordance with the approved plan 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 Bylaws.
2. In order to assist the Applicant with preconstruction activities, the Board shall grant limited entry clearing prior to commencement of construction. Preconstruction clearing shall be limited to the proposed access driveway and demolition of existing structures and shall terminate prior to reaching the nearest proposed parking area. Prior to preconstruction clearing, erosion controls shall be installed for the proposed disturbed area and inspected and approved by the Town Planner and Conservation Agent prior to any disturbance.
3. Construction shall be completed in two phases. Delineation of the two phases are as shown in the Approved Plan and further defined on the Erosion and Sediment Control Plan sheet. No activity, which includes but is not limited to, any clearing or preparation of the Site for development, shall take place in Phase II until the Temple (Phase I) has received a Certificate of Substantial Completion. This condition shall not apply to any work necessary for the installation of on-site septic for Phase I.
4. All proposed improvements for Phase I shall be substantially completed within a period of 48 months from the date this decision was filed with the Town Clerk and all appeals have concluded. Phase II shall be substantially completed within a period of 36 months from the date of Certificate of Occupancy of the Temple (Phase I). Failure for the Applicant or its successors to complete any approved phase of construction in the time noted above shall be adequate cause for the Planning Board to initiate proceedings to rescind approval of the Plan, unless approval has been otherwise extended prior to the expiration of the time noted. The Applicant shall request, in writing, an extension of the approval from the Planning Board prior to expiration.

5. Sediment and Erosion controls shall be installed and be subject to the inspection and approval by the Town Planner and the Conservation Agent prior to commencement of construction.
6. The Board requested and the Applicant has agreed to extend the sidewalk from the entry driveway and heading south as defined in the Sidewalk Repair Plan, by Andrews Survey and Engineering Inc. dated October 4, 2018. Sidewalk identified in this plan shall be completed prior to Certificate of Occupancy for Temple.
7. 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 structure.
8. The ways and infrastructure depicted on the Plan shall be maintained by the Applicant or a successor in perpetuity. The internal driveway, as depicted on the Approved Plan, shall be a private way in perpetuity. There shall be no parking along the internal driveway and proper signage shall be posted and maintained by the Applicant further enforcing this requirement.
9. Snow and ice removal shall be the responsibility of the Applicant or a successor. Snow and ice removal shall be undertaken as soon as is practicable after a snowfall and shall not impede or obstruct the roadway or the sight lines thereon and so as not to impeded or obstruct the hydrants.
10. All exterior lighting considered shall be consistent with "dark sky" standards - shielded and directed downward to maintain lighting on to the Site and shall comply with the Zoning Bylaw. Any additional exterior lighting shall be subject to the prior review and approval of the Planning Board.
11. The Applicant stated that six to ten times a year the Applicant will host large religious events. These events could anticipate up to 300 visitors. During those events the Board requested and the Applicant has agreed to work with the Bellingham Police Department and shall retain traffic detail during these events.
12. 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 designated inspector shall be permitted to conduct routine inspections, as may reasonably be determined by said inspector while construction is ongoing relative to this permit and all corresponding Decisions for this Site. The Applicant is required to provide said inspector with any and all requested logs, as-built plans, surveys, and other related items and abide by any reasonable directives or requirements of said inspector with respect to construction of this Project. Failure to comply with the requirements of this paragraph may result in a stop-work order, as may be directed by the Town's Zoning Enforcement Officer, the Board, or its duly authorized designee.

13. In accordance with the Bellingham Department of Public Works, any and all access and utility easements that may be necessary to complete and occupy the Project shall be in a form approved by the Town Counsel prior to the issuance of the Certificate of Occupancy, such approval not to be unreasonably withheld.
14. As used herein, "commencement of construction" is hereby defined as any clearing or preparation of the Site for development of the project approved herein.
15. 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.
16. This Decision shall take effect to the benefit of and be binding upon Sri Shiva Temple, Inc and its successors, transferees and assigns, as well as any other tenant, purchaser or user of the Site or any portion thereof. This permit may not be assigned or conveyed to any other entity without the prior approval of the Planning Board, such approval not to be unreasonably withheld.
17. This Decision shall not be effective until it is recorded by the Applicant in the Registry of Deeds, with proof of such recording to be supplied to the Board and the Building Inspector.

**D. RECORD OF VOTE**

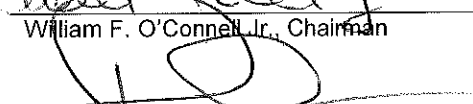
I vote to **APPROVE** the **866 SOUTH MAIN STREET DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT.**

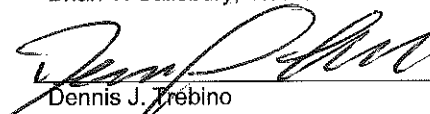
**Bellingham Planning Board**

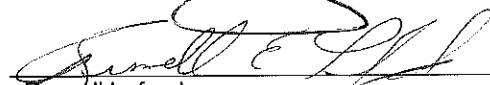
**October 25, 2018**

  
\_\_\_\_\_  
William F. O'Connell, Jr., Chairman

  
\_\_\_\_\_  
Brian T. Salisbury, Vice Chairman


  
\_\_\_\_\_  
Peter C. Pappas, Secretary

  
\_\_\_\_\_  
Dennis J. Trebino

  
\_\_\_\_\_  
Russell Lafond

Appeals of this Decision may be made within thirty days, in accordance with the provisions of G.L. c 40A, §15

This Decision, together with all plans referred to in it, was filed with the Town Clerk on October 26, 2018.

  
\_\_\_\_\_  
Ann Odabashian  
Bellingham Town Clerk





# 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 November 27, 2018

TO: Planning Board

RE: Sri Shiva Temple, Inc.

866 South Main Street

This is to inform you that 30 days have elapsed since October 26, 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