



Bk 34046 Pg 140 #38672
BELLINGHAM P 04-29-2016 @ 03:25p

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 657-2892; FAX (508) 966-2317
PlanningBoard@bellinghamma.org



February 19, 2016

**PINE HOLLOW ESTATES
SPECIAL RESIDENTIAL USES (TOWNHOUSES)
SPECIAL PERMIT DECISION**

A. BACKGROUND

Applicant: Alan Nash and Michael McGlaughlin
181 Congress Street
Milford, MA 01757

Owner: Bellwood II Realty Trust
40 Mechanic Street, Suite 301
Bellingham, MA 02019

Public Hearing: The Public Hearing opened Thursday, February 11, 2016 at 7:00 PM. Notice for the public meeting was published in the Milford Daily News on Thursday, January 28, 2016 and Thursday, February 4, 2016. The Public Hearing was closed on Thursday, February 11, 2016.

Date of Vote: February 11, 2016.

The Premises: The project is located on the south side of Countryside Road (a private road), Assessors Map 49, Lots 33, 33A-ABCE in Business I and Residential Zones.

The By-Law: Special Residential Uses, Article XV, Section 240-101 Townhouses.

The Proposal: To construct 36 new Townhouse units consisting of 12 three unit buildings with associated improvements on a 25± acre parcel located on the south side of Countryside Road (a private road).

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

The Proposal was documented with the following materials:

1. Application for Special Permit received September 13, 2013, including a narrative, Form K and certified abutter's list.
2. Stormwater Management Permit Application, received September 13, 2013.
3. "Pine Hollow Estates Townhouse Development in Bellingham Massachusetts" permit plan set, dated September 6, 2013, with final revision date, March 30, 2015, prepare by Guerriere and Halnon, Inc.
4. Stormwater Management Report, dated July 23, 2010 and last revised August 7, 2014; prepared by Guerriere and Halnon, Inc.
5. Traffic Impact and Access Study, dated April 12, 2011 and last revised March 13, 2014.

B. DETERMINATIONS

Following its public hearing on the Applicant's proposal and requested relief, the Planning Board has made the following determinations:

1. 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.
2. Consideration was given to the following:
 - (1) Municipal costs and revenues.
 - (2) Effect on the range of available housing choices.
 - (3) Service to identified housing needs.
 - (4) Support for local business activity and jobs.
 - (5) Impact on the natural environment, especially on ground and surface water quality and level.
 - (6) Impacts on traffic safety and congestion, adequacy of water service, and need for school facilities.
 - (7) Impacts on the visual environment, through preservation or displacement of visual assets, and consistency with existing development in area.

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Special Permit Approval
February 19, 2016
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3. 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 8" trunk diameter and larger;
 - (5) reduce soil erosion;
 - (6) reduce hazard or inconvenience to pedestrians from storm water flow and ponding.
 - (7) Adequate access is provided to each structure for fire and service equipment.
 - (8) 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.
 - (9) Adequate capacity is available on impacted streets to accommodate the proposed project.
4. Per Section 240-19(f), no zoning violations exist.
5. The Board finds that the site may, in certain circumstances pose concerns with respect to emergency response. Particularly, the Board finds that, without a second full ingress/egress, emergency access may be difficult. However, the Board also finds that a full second ingress/egress would be detrimental to the surrounding neighborhood. As a consequence, the Applicant agreed to provide an emergency ingress/egress that is to be used by the police and fire departments. The Board finds that such an ingress/egress addresses their concerns.
6. The Board finds that compliance with the below conditions are necessary to mitigate impacts related to the construction and maintenance 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 in favor and 0 opposed, accordingly, grants the Applicant and its successors and assigns as owner of the premises, Special Permit Approval subject to the following conditions:

1. Prior to the first occupancy permit, the Applicant shall construct a gated emergency access as shown on the plans at the junction of the project driveway and Brookside Road. The gate shall be at a location and of a design as may be approved by the Bellingham Fire Department. The cost of the gate shall be borne entirely by the Applicant and said gate shall be suitably maintained by the Applicant or the successor Condominium Association in perpetuity. Any costs of repair, maintenance, or replacement shall be borne by the Applicant or the successor Condominium Association. The Applicant or successor Condominium Association shall ensure that accumulated snow on both sides of the gate shall not impede the operation of the gate or the emergency access way.
2. Prior to the issuance of the first occupancy permit, a landscape plan is to be submitted for the Planning Board for approval.
3. Prior to the issuance of any occupancy permits, the Applicant shall submit, for Town Counsel's review and approval, the Condominium documents. Such review and approval shall be for the sole purpose of ensuring that the Condominium Association is suitably bound to the conditions of this permit.
4. Prior to the issuance of the 10th occupancy permit, landscaped screening around the emergency access shall be reviewed and approved by the Planning Board or its designee. Applicant agrees to provide reasonable natural screening (arborvitae or an equivalent) along portions of the access for the benefit of Lots 6 and 7 in the Brookside Estates subdivision.
5. Prior to the issuance of the first occupancy permit, signage shall be placed along the emergency access that prohibits parking and states that access is for emergency vehicles only.
6. A Construction sequencing and mitigation plan shall be submitted to the Planning Board prior to building permit. All construction shall adhere to the Town of Bellingham's Noise Bylaw and hours of operation. No construction may commence until the Town Planner, working in association with the DPW, has approved such plan.
7. Snow plowing shall be completed immediately following a snow storm and cleared snow shall remain on the Applicant's property at all times.

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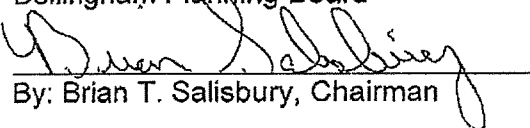
8. No construction may commence until the Applicant has submitted a special permit application to the Planning Board in accordance with Article XXV Inclusionary Housing, and has received approval of the same.
9. The Applicant has agreed to and shall donate to the Town, the sum of \$3,000.00 for each market rate unit in the Project. Such donations shall be made at the time of the closing for each such unit and shall be utilized for a fund to be designated by the Board. In order to monitor compliance with this condition, the Applicant shall provide the Town Planner with a proposed Deed within seven days of each unit sale and, if requested, shall also provide the Town Planner with a copy of the settlement statement for each such unit, which statement shall reference the donation to the Town.
10. 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 Commissioner.
11. Any and all conditions of the corresponding Development Plan Approval, issued on even date herewith, are hereby incorporated herein.

D. RECORD OF VOTE

By Motion, duly seconded, with members Brian T. Salisbury, William F. O'Connell Jr., Dennis J. Trebino, Peter C. Pappas and Nikyda Resto voting in favor, the Board voted to **APPROVE** the **PINE HOLLOW ESTATES SPECIAL RESIDENTIAL USES (TOWNHOUSES) SPECIAL PERMIT DECISION**.

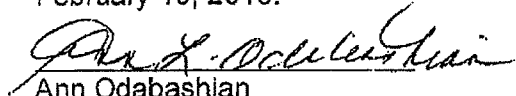
Bellingham Planning Board

February 19, 2016


By: Brian T. Salisbury, Chairman

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 February 19, 2016.


Ann Odabashian
Bellingham Town Clerk

BELLINGHAM PLANNING BOARD



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February 19, 2016

**PINE HOLLOW ESTATES
DEVELOPMENT PLAN APPROVAL AND
STORMWATER MANAGEMENT PERMIT**

A. BACKGROUND

Applicant: Alan Nash and Michael McGlaughlin
181 Congress Street
Milford, MA 01757

Owner: Bellwood II Realty Trust
40 Mechanic Street, Suite 301
Bellingham, MA 02019

Public Hearing: The Public Hearing opened Thursday, February 11, 2016 at 7:00 PM. Notice for the public meeting was published in the Milford Daily News on Thursday, January 28, 2016 and Thursday, February 4, 2016. The Public Hearing was closed on Thursday, February 11, 2016.

Date of Vote: February 11, 2016.

The Premises: The project is located on the south side of Countryside Road (a private road), Assessors Map 49, Lots 33, 33A-ABCE in Business I and Residential Zones.

The By-Law: Development Plan Review, Article III Section 240-16 and Stormwater Management Permit, Article IX Section n240-54

The Proposal: To construct 36 new Townhouse units consisting of 12 three unit buildings with associated improvements on a 25± acre parcel located on the south side of Countryside Road (a private road).

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DEDHAM, MA

CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

Pine Hollow Estates
Development Plan Approval and Stormwater Management Permit
February 19, 2016
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The Proposal was documented with the following materials:

1. Application for Development Plan Review received September 13, 2013, including a narrative, Form K and certified abutter's list.
2. Stormwater Management Permit Application, received September 13, 2013.
3. "Pine Hollow Estates Townhouse Development in Bellingham Massachusetts" permit plan set, dated September 6, 2013, with final revision date, March 30, 2015, prepare by Guerriere and Halnon, Inc.
4. Stormwater Management Report, dated July 23, 2010 and last revised August 7, 2014; prepared by Guerriere and Halnon, Inc.
5. Traffic Impact and Access Study, dated April 12, 2011 and last revised March 13, 2014.

B. DETERMINATIONS

Following its public hearing on the Applicant's proposal and requested relief, the Planning Board has made the following determinations:

1. 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.
2. 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 8" trunk diameter and larger;
 - (5) reduce soil erosion;
 - (6) reduce hazard or inconvenience to pedestrians from storm water flow and ponding.
 - (7) Adequate access is provided to each structure for fire and service equipment.
 - (8) Adequate utility service and drainage is provided, consistent where apt with the performance intent of the Design Standards of the Subdivision Regulations of

Pine Hollow Estates
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4. Prior to the issuance of the 10th occupancy permit, landscaped screening around the emergency access shall be reviewed and approved by the Planning Board or its designee. Applicant agrees to provide reasonable natural screening (arborvitae or an equivalent) along portions of the access for the benefit of Lots 6 and 7 in the Brookside Estates subdivision.
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8. No construction may commence until the Applicant has submitted a special permit application to the Planning Board in accordance with Article XXV Inclusionary Housing, and has received approval of the same.
9. The Applicant has agreed to and shall donate to the Town, the sum of \$3,000.00 for each market rate unit in the Project. Such donations shall be made at the time of the closing for each such unit and shall be utilized for a fund to be designated by the Board. In order to monitor compliance with this condition, the Applicant shall provide the Town Planner with a proposed Deed within seven days of each unit sale and if requested shall also provide the Town Planner with a copy of the settlement statement for each such unit, which statement shall reference the donation to the Town.
10. 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 Commissioner.
11. Any and all conditions of the Corresponding Development Plan Approval, issued on even date herewith, are hereby incorporated herein.

Pine Hollow Estates
Development Plan Approval and Stormwater Management Permit
February 19, 2016
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D. RECORD OF VOTE


By Motion, duly seconded, with members Brian T. Salisbury, William F. O'Connell Jr., and Dennis J. Trebino voting in favor, member Peter C. Pappas voting opposed, the Board voted to APPROVE the PINE HOLLOW ESTATES DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT.

Bellingham Planning Board

February 19, 2016


By: Brian T. Salisbury, Chairman

This Decision, together with all plans referred to in it, was filed with the Town Clerk on February 19, 2016.


Ann Odabashian
Bellingham Town Clerk

BELLINGHAM PLANNING BOARD