



BELLINGHAM PLANNING BOARD

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

CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN AND STORMWATER MANAGEMENT PLAN PERMIT FOR NERINA ESTATES MAY 10, 2018

A. BACKGROUND

Applicant: John J. Wasylean, Jr.
801 Pulaski Boulevard
Bellingham, MA 02019

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

Owner: John J. Wasylean, Jr.
801 Pulaski Boulevard
Bellingham, MA 02019

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

Public Hearing: The Public Hearing opened Thursday, February 23, 2017 at 7:00 PM. Notice for the public meeting was published in the Milford Daily News on Thursday, February 9, 2017 and February 16, 2017. A site walk was conducted on April 8, 2017. The Board continued the hearing to April 13, 2017, May 25, 2017, June 8, 2017, June 22, 2017, August 24, 2017, September 28, 2017, November 9, 2017, January 11, 2018, February 8, 2018, February 22, 2018, March 22, 2018, April 26, 2018 and May 10, 2018 when the Public Hearing was closed.

Date of Vote: May 10, 2018

The Premises: The 4.07 acre site is located on Deer Run Road in Bellingham; Assessors Map/Lot Number 87-63, in an Suburban zone, also referred to herein as the "Site."

The By-Law: Section 245-10, Subdivision Regulations, Definitive Plan and Section 240-54 Stormwater Management

The Proposal: To develop a two lot single family residential subdivision by creating a private way off of Deer Run Road, as shown on the plan Nerina Estates a Definitive Subdivision, last revised March 20, 2018, by Andrews Survey and Engineering, Inc. also referred herein as the "Plan" or "Approved Plan".

SEE PLAN FILED IN

BELLINGHAM PLANNING BOARD

PLAN BOOK 673 PAGE 6

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The Applicant initially submitted a three lot single family subdivision which required a Back Lot Division Special Permit due to the lack of frontage of Lot 3. After review by the Board, the Applicant requested to withdraw the special permit and continue the hearing as a two lot subdivision. The Board accepted the withdrawal of the Special Permit on April 26, 2018.

The Proposal was documented with the following materials:

1. Application for Definitive Subdivision Permit, received February 2, 2017
2. Application for Stormwater Management Permit, received February 2, 2017
3. Application for Backlot Division Special Permit, received February 2, 2017
4. Certified Abutters List, Town of Bellingham, dated January 20, 2017
5. Property Deed, received February 3, 2017
6. Electric Easement Deed, received November 9, 2017
7. Project Narrative & Waiver Request, by Andrews Survey and Engineering, Inc., received February 3, 2017
8. Nerina Estates a Definitive Subdivision Plan Set, by Andrews Survey and Engineering, Inc., last revised May 8, 2018
9. Stormwater Management Report and Operation and Maintenance Plan, by Andrews Survey and Engineering, Inc. last revised March 20, 2018
10. Stormwater System Operation and Maintenance Plan, by Andrews Survey and Engineering, Inc. last revised May 8, 2018
11. Planning Board Staff Memo, James Kupfer, Town Planner, dated February 16, 2017
12. Department of Public Works Comments, Don DiMartino , DPW Director, dated February 21, 2017
13. Department of Public Works Comments, Don DiMartino , DPW Director, dated January 29, 2018
14. Board of Health Comments, Mike Catalano, Health Agent, dated May 11, 2017
15. Determination of Applicability, Conservation Commission, received May 25, 2017
16. Peer Review Comments, by Professional Services Corporation, dated April 12, 2017
17. Response to Peer Review, by Andrews Survey and Engineering, Inc., dated August 3, 2017
18. Peer Review Comments, by Professional Services Corporation, dated October 10, 2017
19. Massachusetts Electric Company Assent Agreement, received March 20, 2018
20. Floor Plans, by Store Planning and Design, received November 7, 2017
21. Planning Board Facts and Findings, James Kupfer, Town Planner, dated January 29, 2018
22. Plan Revisions Narrative, by Andrews Survey and Engineering, Inc., dated January 29, 2018

23. Backlot Division Special Permit Withdrawal Request, by Andrews Survey and Engineering, Inc., dated January 29, 2018
24. Board of Health Comments, Mike Catalano, Health Agent, dated February 7, 2018
25. Peer Review Comments, by Professional Services Corporation, dated February 22, 2018
26. Response to Peer Review, by Andrews Survey and Engineering, Inc., dated April 6, 2018
27. Conservation Commission Letter, Cliff Matthews, Conservation Chair, dated April 17, 2018
28. Peer Review Comments, by Professional Services Corporation, dated April 18, 2018
29. Peer Review Comments, by Professional Services Corporation, dated April 26, 2018

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. The Applicant has submitted a Special Permit for Earth Removal to the Zoning Board of Appeals.
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, 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 conditioned a protective buffer from conservation jurisdictional areas.

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5. The Board has determined that Parcel "A" is not a buildable lot and shall not be granted a building permit without further relief granted from the Bellingham Zoning Bylaws or the Regulations Governing the Subdivision of Land for the Town of Bellingham.
6. That the Applicant has requested to remove in excess of 2,500 cubic yards to accommodate Lot 2 which shall require a Special Permit for Earth Removal from the Zoning Board of Appeals.
7. 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. §245-12G(2) Bituminous concrete berms shall be omitted and replaced with low impact development grass swales.
2. §245-13D(1) Detention basin shall not be required 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

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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 Approved Plan has been designed with a stormwater management system to support the grading plan and impervious surface (structures and roadways) presented. Therefore, changes to the location or size of the structures or roadways that create a major alteration to the Plan shall require a public hearing for a modification to this permit. For this purpose, a major alteration shall be defined as the relocation of any impervious surface by more than ten feet, in any direction, from the Approved Plan.
3. The roadways and infrastructure depicted on the Plans shall be maintained by the Applicant or a successor homeowners association in perpetuity. Wasylean Lane, as identified on the Approved Plan, shall be a private way in perpetuity.
4. Snow and ice removal shall be the responsibility of the Applicant or a successor homeowners association. Snow and ice removal shall be undertaken as soon as is practicable after snowfall and shall not impede or obstruct the roadway and driveways or the sight lines thereon and so as not to impede or obstruct the hydrants. Accumulated ice on the roadways shall be promptly removed or sanded such that vehicles may pass safely. Snow and ice removal shall remain on "Wasylean Lane" as depicted on the Approved Plan and not stored on Deer Run Road.
5. The Conservation Commission has identified a vernal pool, as indicated on Parcel "A" of the Approved Plan, and therefore, the Applicant shall arrange to install a series of tree badges on or near ten foot intervals in order to delineate the limits of the fifty-foot "No Touch Zone" to the vernal pool. Homeowner's duties and responsibilities, in perpetuity, are to maintain the area behind the signage as a "No Disturb Zone" and shall be incorporated in to the homeowner's association documents. The placement of yard waste, grass clippings, or disposal of any materials in the "No Disturb Zone" is forbidden. No construction of any sort, including but not limited to outdoor playsets, sheds, swimming pools are allowed in the "No Disturb Zone".
6. In accordance with the Department of Public Works Director, special construction is required wherever a water pipe crosses over a sewer pipe and is not separated by 18 inches. This is notable where the water services cross the sewer service for Lot 1. The pipes, both water and sewer, shall be encased in concrete, ten feet on either side of the crossing point. Or the water service lines must be installed in 3 inch ductile iron class 52 pipe sleeve with the sleeve centered over the crossing point.
7. 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 period 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

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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.

8. The Planning Board or DPW's representative and the Town Counsel's reasonable fees for any services contemplated hereunder shall be paid by the Applicant in the manner prescribed by 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.
9. 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.
10. 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.
11. 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 appeals 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

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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. The Project requires an Earth Removal Special Permit. No clearing, site work, or construction shall commence until the Applicant has submitted a Special Permit application for earth removal to the Zoning Board of Appeals in accordance with Article XVII of the Zoning Bylaw and received approval of the same.
3. Sediment and Erosion controls shall be installed and be subject to inspection and approval by the Town Planner prior to commencement of construction.
4. Vernal Pool delineation shall be installed and be subject to inspection and approval by the Conservation Agent 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 homeowners 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.

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3. Six- to-eight foot arborvitae shall line Deer Run Road along the detention basin fencing in order to screen the basin from Deer Run Road. The intent is to fully screen the fence from Deer Run Road. The Board or its designee shall review and approve the plantings to confirm the basin has been adequately screened, such approval not to be unreasonably withheld.
4. 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.
5. 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

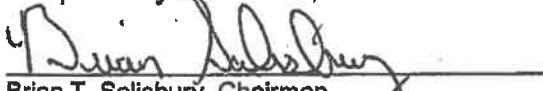
The following shall have been completed prior to release of final security:

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(I)(3) of the Rules and Regulations Governing the Subdivision of Land for the Town of Bellingham.

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Respectfully submitted,



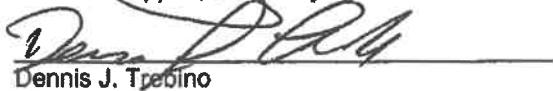
Brian T. Salisbury, Chairman



William F. O'Connell, Jr. Vice Chairman



Peter C. Pappas, Secretary



Dennis J. Tepelino

Planning Board

Date: May 10, 2018

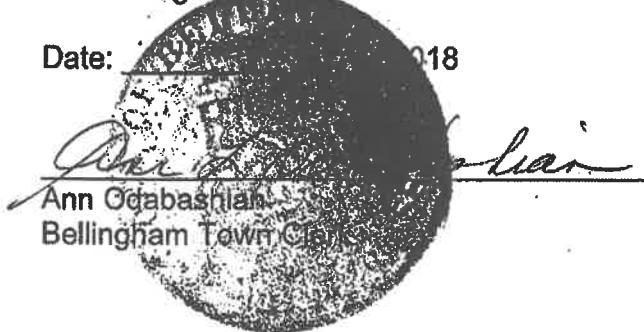
This Decision along with all plans referred to in it, was filed with the Town Clerk on May 11, 2018.



Town Clerk

I hereby certify that 20 days have elapsed since May 11, 2018, 2018, the date the foregoing Decision was filed with the Town Clerk and no notice of appeal has been filed during that period:

Date: May 31, 2018



Ann Ocabashian
Bellingham Town Clerk