



# BELLINGHAM PLANNING BOARD

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

## CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN AND STORMWATER MANAGEMENT PLAN PERMIT

MACY ESTATES

MARCH 8, 2018

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### A. BACKGROUND

Applicant: Kevin Lobisser  
31 Whitewood Road  
Milford, MA 01757

Owner: Town of Bellingham  
10 Mechanic Street  
Bellingham, MA 02019

Public Hearing: The Public Hearing opened Thursday, February 8, 2018 at 7:00 PM. Notice for the public meeting was published in the Milford Daily News on Thursday, February 1, 2018 and January 25, 2018.

The Public Hearing was continued to February 22, 2018 and March 8, 2018, when the Public Hearing was closed.

Date of Vote: March 8, 2018.

The Premises: A 4.95+/- acre site, shown on Assessor's Map 29-108, zoned Residential., also referred to herein as the "Site."

The By-Law: Section 245-10, Subdivision Regulations, Definitive Plan; and Zoning Bylaws Article XXVII Wethersfield Overlay District and Section 240-54 Stormwater Management

The Proposal: The proposal requests the ability to develop a twelve lot single family residential subdivision on Monique Drive in Bellingham, utilizing the standards found within the Wethersfield Overlay District Bylaw (the "Project"), as shown on the plan Macy Estates off Monique Drive, in Bellingham, MA 02019, Definitive Subdivision Plan, last revised March 2, 2018, by Allen Engineering (the "Approved Plan" or "Plan", also referred to herein as the "Plan").

The Proposal was documented with the following materials:

1. Application for Definitive Subdivision Permit, received January 18, 2018
2. Application for Stormwater Management Permit, received January 23, 2018
3. Macy Estates off Monique Drive, in Bellingham, MA 02019, Definitive Subdivision Plan, last revised March 2, 2018, by Allen Engineering (the "Approved Plan" or "Plan")
4. Certified Abutter List, Town of Bellingham, dated January 11, 2018
5. Drainage Report, Allen Engineering, last revised January 16, 2018
6. Project Narrative, Allen Engineering, dated January 16, 2018
7. Urban Air Overview Presentation, received March 23, 2017
8. Peer Review Comments of Stormwater Management acts, BETA, dated February 7, 2018
9. Planning Board Staff Memo, James Kupfer, Town Planner, dated January 31, 2018
10. Response to Peer Review Comments, Allen Engineering, dated March 2, 2018
11. Peer Review Comments of Stormwater Management, BETA, dated March 5, 2018
12. Response to Peer Review Comments, Allen Engineering, dated March 6, 2018
13. DPW Comments, Don DiMartino, DPW Director, January 24, 2018
14. DPW Comments, Don DiMartino, DPW Director, March 6, 2018
15. Board of Health Comments. Mike Catalano, Health Agent, February 27, 2018
16. Wetland Review Memo, Sage Environmental, dated February 26, 2018
17. Other miscellaneous documents on file at the Planning Board Offices

**B. DETERMINATIONS**

1. Completeness and technical adequacy of all submissions have been reviewed and confirmed to meet the Bellingham Zoning By-laws 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.
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 Planning Board Subdivision Regulations.
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 has proposed to significantly reduce impervious surface.

5. Access meets or exceeds standards as provided at Subdivision Regulations §245-6.

**C. WAIVERS**

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

No waivers are requested.

**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 the Planning Board, which may seek advice 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 By-laws 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 until such time as the Town accepts maintenance responsibility for the roadways and infrastructure.
3. Snow and ice removal shall be the responsibility of the Applicant until such duties are assumed by the Town of Bellingham. 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.

4. The street lighting proposed shall be reviewed and approved by the applicable utility. Written approval that the applicable utility will take ownership and maintain the street lighting in perpetuity shall be provided to the Planning Board.
5. Sediment and Erosion controls shall be installed and be subject to the inspection and approval by the Town Planner prior to commencement of construction.
6. A Planning Board's 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 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.
7. The Planning Board'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.
8. 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.
9. 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 and the Inspector of Buildings.
10. Any and all easements that may be necessary to complete and occupy the Project shall be in a form approved by the Town Counsel.

## **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 this date.

### **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.

### **IV. Prior to Plan Endorsement**

As per Chapter 41 §81U an applicant shall provide a fully executed security agreement. The amount of such security shall be established by the Director of the Department of Public Works and the agreement shall be in a 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.

### **V. Prior to Construction**

1. The Applicant shall notify Department of Public Works and the Planning Board in writing no later than 7 days prior to the start of construction to schedule a pre-construction meeting with the Applicant and the contractor(s).
2. A Stormwater Pollution Prevention Plan shall be provided to the Planning Board for review and approval.

### **VI. 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. The location of all street trees shall be clearly marked in the location where the tree is to be planted as per Subdivision Regulations §245-15C(2)(f)(4). Any existing trees to be kept will be inspected by the Bellingham Tree Warden.
2. 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.

### **VII. 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. All street trees associated with that lot shall be planted.
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 installed a "Not Public Way" sign at the Site limit on Monique Drive.
4. The applicant has abided by all requirements of the Rules and Regulations Governing the Subdivision of Land for the Town of Bellingham.

#### **VIII. 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**

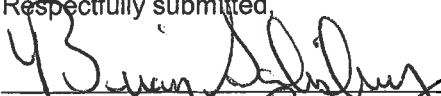
The following shall have been completed prior to release of final security.

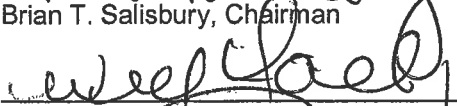
1. Arrangement satisfactory to Planning Board on advice of the Director of Public Works shall have been made to secure permanent maintenance of the stormwater management system without net cost to the Town. The established security shall be \$15,000.00.

Prior to street acceptance, the Director of Public Works and the Applicant shall review maintenance of the stormwater management system to determine if additional funds are required to maintain the system.

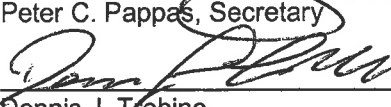
2. Subdivision Regulations §245-16G, Recorded Plan Submittal, the applicant shall furnish the Board with five prints of the Plan (3 full size and 2 half size), a digitized copy of the plan, a deed conveying an easement in the road, all other required easements, and right of way, to be held in escrow and a copy of the final covenants and restrictions, noting book, page number, and date of recording for both the Plan and the covenants, as required at §245-10(1)(3) of the Rules and Regulations Governing the Subdivision of Land for the Town of Bellingham.

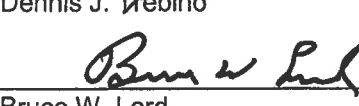
Respectfully submitted,

  
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Brian T. Salisbury, Chairman

  
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William F. O'Connell, Jr. Vice Chairman

  
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Peter C. Pappas, Secretary

  
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Dennis J. Trebino

  
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Bruce W. Lord

Planning Board

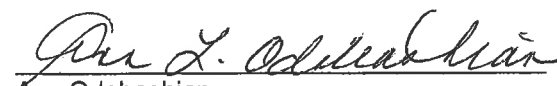
Date: March 8, 2018

This Decision along with all plans referred to in it, was filed with the Town Clerk on March 9, 2018.

  
\_\_\_\_\_  
Town Clerk

I hereby certify that 20 days have elapsed since March 9, 2018, the date the foregoing Decision was filed with the Town Clerk and no notice of appeal has been filed during that period.

Date: March 29, 2018

  
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Ann Odabashian  
Bellingham Town Clerk