



BELLINGHAM PLANNING BOARD

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

October 22, 2020

118 MAPLE STREET BACK LOT SPECIAL PERMIT DECISION

A. BACKGROUND

Applicant: Patricia Gately
6 Pine Street
Bellingham, MA 02019

Owner: Patricia Gately
6 Pine Street
Bellingham, MA 02019

Public Hearing: The Public Hearing opened on October 8, 2020 at 7:00 PM. Notice for the public meeting was published in *The Milford Daily News* on September 24, 2020 and October 1, 2020. The Public Hearing was continued to October 22, 2020, when the Public Hearing was closed.

Date of Vote: October 22, 2020

The Premises: The project location, also referred to herein as the "Site" or the "Premises", is located at 118 Maple Street, in between Maple Street and Pine Street, Assessors Map 20-61 and 20-55, approximately 2.79 acres, in a Suburban Zoning District.

The By-law Back Lot Division §240-38

The Proposal: To subdivide a parcel of land, into two lots, one of which having less than the normally required frontage at 118 Maple Street on approximately 2.79 acres.

The Proposal was documented with the following materials:

1. Application for a Special Permit, dated September 18, 2020.
2. Certificate of Ownership Authorization, dated September 18, 2020.

3. Certificate of Municipal Liens, dated September 18, 2020.
4. Certified Abutter's List, Town of Bellingham, dated September 2, 2020.
5. Property Ownership Letter, by Attorney John Vignone, dated October 6, 2020.
6. ANRAD Plan of Land, by Colonial Engineering, Inc., dated June 8, 2019
7. Plan of Land, by Colonial Engineering, Inc., last revised September 16, 2020 (also known as the Approved Plan).
8. Roadway Improvement Plan, Plan of Land in Bellingham, MA, by Colonial Engineering Inc, dated April 11, 2020.
9. Email Comments, Cliff Matthews, Conservation Commission Chairman, dated October 6, 2020.
10. 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. The Bellingham Zoning Bylaw does allow for a parcel with no other contiguous land in common ownership may be divided into two or three lots, one of which has less than the normally required frontage, and a single-family dwelling may be built on the reduced frontage lot, provided that such division is authorized on a special permit granted by the Planning Board.
2. The lot having reduced frontage has at least 50 feet of frontage.
3. The lot having reduced frontage contains at least twice the lot area otherwise required.
4. As demonstrated on the Approved Plan, the lot having reduced frontage is capable of containing a square with sides equal to the normally required lot frontage.
5. The Site has the ability to site a home that shall meet all other requirements specified in § 240-40, Intensity of Use Schedule.
6. Egress from the created lots must create no greater hazard owing to grade and visibility limitations than would be expected for standard land division at that location. Adequate access was discussed during the hearing and further conditioned below so to provide safe and adequate egress.

7. Reduction of privacy, damage to the natural environment, and difficulties of utility provision must be no greater than would be expected for standard land division at that location. Natural environment was discussed during the hearing and further conditioned below so to limit disturbance to the natural environment.
8. The proposal was determined by the Planning Board to not circumvent the intent of the Subdivision Control Law
9. That the use proposed is limited to a single-family structure on the lot having reduced frontage.
10. That the Premises is currently served by a driveway within a County right of way. In order to provide proper access to three single family structures being served by this right of way, the Applicant has agreed to improve the right of way. The improvements to the right of way to ensure proper access is further conditioned below.
11. The Board finds that compliance with the below conditions are necessary to mitigate impacts related to the construction and use resulting from 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 to 0 in favor, accordingly, grants the Applicant and its successors and assigns as owner and/or operator of the premises, a Back Lot Division Special Permit 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 shall be reviewed and approved in accordance with the Bellingham Zoning By-laws. All such changes shall be reviewed by the Board for determination as to whether or not the changes are considered minor or major. 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. A minor change shall be reviewed and approved at a regularly scheduled meeting.
2. In order to provide adequate access, the Board has requested and the Applicant has agreed to improve the right of way listed as "Oak Street Ext." on the Approved Plan in accordance with the plan entitled Plan of Land in Bellingham, MA, by Colonial Engineering Inc, dated April 11, 2020. The

improvements shall be completed prior to Occupancy Permit for the lot having reduced frontage.

3. Prior to an Occupancy Permit for the lot having reduced frontage, the Applicant shall provide the Department of Public Works with proper safety signage addressing the sight line and safety concerns at the intersection of Maple Street, Pine Street and Oak Street Ext. The signage language and location of signage shall be reviewed and approved by the Bellingham Safety Officer prior to installation.
4. Prior to an Occupancy Permit for the lot having reduced frontage, the Applicant shall post "Do Not Disturb" signage every 25 feet, along the 50-foot buffer line as indicated on the plan entitled ANRAD Plan of Land, by Colonial Engineering, Inc., dated June 8, 2019. Disturbance of land is prohibited within the 50-foot buffer.
5. The Board has requested, and the Applicant has agreed to prohibit any further lots from being accessed by the right of way entitled "Oak Street Ext." The right of way is being improved to driveway standards in accordance with the Bellingham Subdivision Regulations. Therefore, in accordance with the Bellingham Subdivision Regulations, §245-121, no more than three lots shall serve as adequate access by a driveway.
6. As required by the Bellingham Department of Public Works, any and all access and utility easements that may be necessary shall be in a form approved by Town Counsel prior to the issuance of the Certificate of Completion, such approval shall not be unreasonably withheld.
7. This Decision is binding on the Applicant and its successors, assigns, agents, and employees. The Planning Board shall be notified in writing of any changes in affiliates and successors in title and additional users of the Premises.
8. This Decision shall not be effective until it is recorded by the Applicant at the Registry of Deeds, with proof of such recording to be supplied to the Board and the Building Inspector. This Decision shall be recorded against all three lots created hereby and being served by Oak Street Ext.

D. RECORD OF VOTE

I vote to **APPROVE** the **118 MAPLE STREET BACK LOT DIVISION SPECIAL PERMIT**.

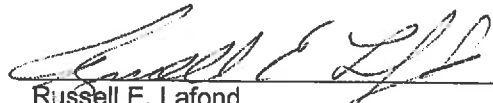
Bellingham Planning Board

October 22, 2020



William F. O'Connell, Jr., Chairman


Brian T. Salisbury, Vice Chairman



Russell E. Lafond



Dennis J. Trebino



Phillip Devine

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 October ~~23~~²⁶, 2020.

Lawrence J. Sposato, Jr.
Bellingham Town Clerk

