



BELLINGHAM PLANNING BOARD

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

April 11, 2024

85 MENDON STREET RESTAURANT DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT DECISION

A. BACKGROUND

Applicant: MZHM, LLC c/o Julie and Paul Rogers
85 Mendon Street
Bellingham, MA 02019

Owner: MZHM, LLC c/o Julie and Paul Rogers
85 Mendon Street
Bellingham, MA 02019

Public Hearing: The Public Hearing opened January 14, 2024 at 7:00 PM. Notice for the public meeting was published in *The Milford Daily News* on December 28, 2023 and January 4, 2024. The Public Hearing was continued to February 8, 2024, February 22, 2024, March 14, 2024, March 28, 2024 and when the Public Hearing was closed on April 11, 2024.

Date of Vote: April 11, 2024

The Premises: The project, also referred to herein as the "Site", is proposed to be accessed by Mendon Street, a public way, at 85 Mendon Street. The project is located at Assessors Map 39-1 and 1A, approximately 1.99+/- acres, in a Business-1 Zoning District.

The By-law §240-16 Development Plan Review, and §240-54 Stormwater Management

The Proposal: To construct a single-story restaurant building, approximately 5,034 square foot with associated improvements accessed by Mendon Street.

The Proposal was documented with the following materials:

1. Application for Development Plan Review, dated December 7, 2023, including a narrative and project description.
2. Stormwater Management Permit Application, dated December 7, 2023.
3. Flexible Parking Options Special Permit Application, dated December 7, 2023.
4. Certificate of Ownership, dated December 6, 2023.
5. Certified Abutter's List, Town of Bellingham, dated November 16, 2023.
6. Site Plans for Lucille's Steakhouse, 85 Mendon Street, by Allen Engineering & Associates, Inc, last revised March 8, 2024. (also known as the Approved Plan)
7. Drainage Analysis, by Allen Engineering & Associates, Inc, last revised March 8, 2024.
8. Long Term Operation and Maintenance Plan, 85 Mendon Road, dated March 8, 2024.
9. Photometric Plan, by Allen Engineering & Associates, Inc, dated March 8, 2024
10. Peer Review for Stormwater Management, by BSC Group, dated February 6, 2024.
11. Response to Peer Review, by Allen Engineering & Associates dated March 8, 2024.
12. Peer Review for Stormwater Management, by BSC Group, dated March 21, 2024.
13. 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 Applicant filed applications for new construction of a restaurant use on 1.99 +/- acres of land known as 85 Mendon Street, Assessors Map 49, lots 1 and 1A, formerly a restaurant use.
2. That the use proposed is limited to a restaurant.
3. The structure is 5,034 square feet with a 458 square foot patio allowing for 159 seats in total.
4. That the Site is not located within the Water Resource District.
5. In accordance with the Flexible Parking Special Permit, the Board has granted a reduction in parking from 116 spaces to 92 spaces.
6. 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 or a waiver has been requested and granted.
 - a) §240.49 Light and Glare: A photometric plan has been prepared by Allen Engineering & Associates, Inc, dated March 8, 2024. The plan demonstrates that the illumination of the proposed lighting for the development shall not trespass on to abutting properties. Any exterior building and parking lot lighting shall be consistent with "dark sky" standards, shielded and directed downward to maintain lighting on to the Site and shall comply with the Zoning By-law.
 - b) § 240.50 Air Quality: There will be no manufacturing within the proposed facility. The proposed uses do not involve emission of odorous gases in such quantities to be offensive and shall continue to adhere to the Zoning By-law.
 - c) §240.51 Hazardous Materials: No hazardous materials, as defined in this section, are proposed to be used or stored on Site.
 - d) §240.52 Vibration: The Applicant does not propose any use that produces vibration which is discernible to the human sense of feeling (except 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) §240.53 Electrical Disturbance: No electrical disturbance is proposed or will be permitted which adversely effects the operation of any equipment other than that of the creator of such disturbance.
 - f) §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 the Massachusetts Department of Environmental Protection and Bellingham Zoning By-laws. The standards include removing solids from the stormwater, reducing rates of runoff from the site, and recharging the groundwater.
 - g) §240.58 Noise: The use proposed was determined to not add noise concerns as all activities are conducted indoors or further conditioned herein.
 - h) §240.66-67 Landscape: The Site has been determined to be adequately landscaped per the Plan. The Board has granted a reduction in landscaping. The Board has granted a reduction of trees from 23 to 21 trees. The Board has granted a reduction of shrubs from 174 to 70 shrubs.
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;
 - b) reduce the visual intrusion of parking areas viewed from public ways or abutting premises, by preserving vegetative buffers, adding fencing, as well as landscaping added to priority areas;
 - c) reduce the volume of cut or fill and 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) reduce the number of removed trees 8" trunk diameter and larger, as a the site's existing condition is predominantly cleared of vegetation;
 - e) reduce soil erosion; and reduce hazard or inconvenience to pedestrians from storm water flow and ponding by engineering the Site to be designed to comply with the DEP Stormwater Handbook and the Town

of Bellingham Stormwater Regulations as well as the inclusion of a Stormwater Pollution Prevention Plan and Operation and Maintenance Plan consistent with the Town of Bellingham requirements.

- f) provide alternate access as emergency services has reviewed and approved the plan as proposed and deemed access to be adequate;
 - g) provide alternate utility service and drainage as the DPW Director has reviewed and approved the plan as proposed and demonstrated in the Stormwater Management Report;
 - h) Projected peak hour traffic has been determined to minimally increase trips in the study area along Route 140. However, the Planning Board has determined that the site management measures proposed by the Applicant and required under this approval adequately provide for capacity and safety improvements.
8. The Board finds that compliance with the below conditions are necessary to mitigate impacts related to the construction and occupancy 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 to 0 in favor, accordingly, grants the Applicant and its successors and assigns as owner of the premises, a Development Plan Approval and Stormwater Management Permit subject to the following conditions:

1. This Approval is limited to the improvements as noted on the Approved Plan, restaurant use, and as may be conditioned herein. Any changes to such Plan must 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. Prior to the start of construction, sediment and erosion controls shall be installed and be subject to the inspection and approval by the Town Planner and Conservation Agent.

3. 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 inspector shall be permitted to conduct routine inspections, as may be reasonably be determined by said inspector, while construction is ongoing relative to this permit and all corresponding Decisions for this Site. The Applicant shall deposit with the Town, sums necessary to fund the inspections contemplated hereunder. Such inspectional fund shall be governed under M.G.L. c. 44 §53G or such other applicable statutory method as may be appropriate.
4. Construction hours will adhere to §240-48 of the Zoning By-law.
5. Operations hours will be limited outdoors. No outdoor service shall occur on Site after 10 p.m. No outdoor entertainment shall occur on Site at any time.
6. All fencing to be installed on Site shall be constructed to allow for a six (6) inch gap from the ground surface to the bottom of the fence to allow for wildlife.
7. The Board has granted a reduction in landscaping. The Board has granted a reduction of trees from 23 to 21 trees. The Board has granted a reduction of shrubs from 174 to 70 shrubs. All landscaping shall be installed per the Approved Plan.
8. The Stormwater Management Operation and Maintenance Plan (O&M), dated March 8, 2024, included as part of the Drainage Report, is hereby referenced and made part of this decision. The Applicant shall permit the Board or its agent to inspect the premises on reasonable notice to determine compliance with said O&M plan.
9. Phosphorous-based fertilizer shall not be used on the Site.
10. In accordance with 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.
11. This Decision is binding on the Applicant's successors, assigns, agents, and employees. This approval shall insure to the benefit of and binding MZHM, LLC c/o Julie and Paul Rogers provided there is no change in use for the Premises. The Planning Board shall be notified in writing of any changes in affiliates and successors in title and additional users of the Premises.

12. Any change of use shall require a public hearing to either modify the existing Development Plan or to issue a new Development Plan permit.
13. All determination, Decisions, and conditions set forth within the Flexible Parking Special Permit dated April 11, 2024, are hereby incorporated herein. Any violation of such conditions shall constitute a violation of this Permit.
14. The Applicant shall comply with §240-16B(5) and (6) regarding As-Built Plans and follow the policies of the As-Built handbook.
15. 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.

D. RECORD OF VOTE


I vote to **APPROVE** the **85 MENDON STREET RESTAURANT DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT**.

Bellingham Planning Board


April 11, 2024



William F. O'Connell, Jr., Chairman




Brian T. Salisbury, Vice Chairman



Phillip Devine



Dennis J. Trebino



Nick Mobilia

Appeals of this Decision may be made within thirty 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 April 12, 2024.

Lawrence J. Sposato, Jr.
Bellingham Town Clerk



BELLINGHAM PLANNING BOARD

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April 11, 2024

85 MENDON STREET RESTAURANT FLEXIBLE PARKING SPECIAL PERMIT DECISION

A. BACKGROUND

Applicant: MZHM, LLC c/o Julie and Paul Rogers
85 Mendon Street
Bellingham, MA 02019

Owner: MZHM, LLC c/o Julie and Paul Rogers
85 Mendon Street
Bellingham, MA 02019

Public Hearing: The Public Hearing opened January 14, 2024 at 7:00 PM. Notice for the public meeting was published in *The Milford Daily News* on December 28, 2023 and January 4, 2024. The Public Hearing was continued to February 8, 2024, February 22, 2024, March 14, 2024, March 28, 2024 and when the Public Hearing was closed on April 11, 2024.

Date of Vote: April 11, 2024

The Premises: The project, also referred to herein as the "Site", is proposed to be accessed by Mendon Street, a public way, at 85 Mendon Street. The project is located at Assessors Map 39-1 and 1A, approximately 1.99+/- acres, in a Business-1 Zoning District.

The By-law §240-60B Flexible Parking Options

The Proposal: To construct a single-story restaurant building, approximately 5,034 square foot with associated improvements accessed by Mendon Street.

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BELLINGHAM TOWN CLERK

The Proposal was documented with the following materials:

1. Application for Development Plan Review, dated December 7, 2023, including a narrative and project description.
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13. 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 Applicant filed applications for new construction of a restaurant use on 1.99 +/- acres of land known as 85 Mendon Street, Assessors Map 49, lots 1 and 1A, formerly a restaurant use.
2. That the number of required parking spaces is 116 spaces.
3. That the number of proposed parking spaces is 92 spaces.
4. That the Site is not located within the Water Resource District.
5. That the Applicant has requested a reduction in the number of parking spaces required for the project under §240-60B Flexible Parking Options based on existing facilities the Applicant owns and/or built of similar use and restaurant uses in nearby towns.
6. That the proposed number of spaces would be adequate for all parking needs due to special circumstances related to the building size, the use of these facilities, and the number of spaces provided at existing facilities.

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 of the premises, a Flexible Parking Special Permit subject to the following conditions:

1. This Approval is limited to the improvements as noted on the Approved Plan, restaurant use, and as may be conditioned herein. Any changes to such Plan must 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. The Board has granted a reduction in parking from 116 spaces to 92 spaces.

3. This Decision is binding on the Applicant's successors, assigns, agents, and employees. This approval shall insure to the benefit of and binding upon MZHM, LLC c/o Julie and Paul Rogers provided there is no change in use for the Premises. The Planning Board shall be notified in writing of any changes in affiliates and successors in title and additional users of the Premises.
4. Any change of use shall require a public hearing to either modify the existing permit or to issue a new permit.
5. All determination, Decisions, and conditions set forth within the Development Plan and Stormwater Management Permit, dated April 11, 2024, are hereby incorporated herein. Any violation of such conditions shall constitute a violation of this Permit.
6. The Applicant shall comply with §240-16B(5) and (6) regarding As-Built Plans and follow the policies of the As-Built handbook.
7. 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.

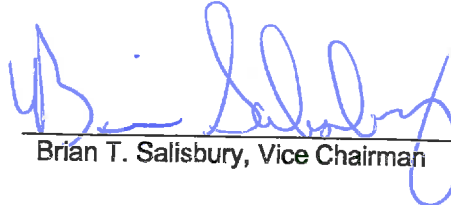
D. RECORD OF VOTE

I vote to **APPROVE** the **85 MENDON STREET RESTAURANT FLEXIBLE PARKING SPECIAL PERMIT**.

Bellingham Planning Board

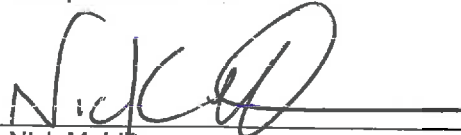
April 11, 2024


William F. O'Connell, Jr., Chairman


Brian T. Salisbury, Vice Chairman


Phillip Devine


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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 April 12, 2024.

Lawrence J. Sposato, Jr.
Bellingham Town Clerk