



TOWN OF BELLINGHAM

OFFICE OF TOWN CLERK

Bellingham Municipal Center
10 Mechanic Street
Bellingham, MA 02019

Town Clerk
Lawrence J. Sposato, Jr.

Tel: 508-657-2830
Fax: 508-657-2832

DATE: January 11, 2021

TO: Bellingham Residential #2 Realty, LLC

RE: Certificate Of Approval -
Bellingham Shores Subdivision Plan &
Stormwater Management Plan

This is to inform you that 20 days have elapsed since December 22, 2020

The date the above was filed with the Town Clerk, and that no notice of appeal has been filed with this office during that period.

A certified copy attesting this is available on file at this office.

Sincerely,

Lawrence J. Sposato, Jr.
Bellingham Town Clerk



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
BELLINGHAM SHORES
DECEMBER 17, 2020**

A. BACKGROUND

Applicant: Bellingham Residential #2 Realty, LLC
120 Quarry Drive
Milford, MA 01757

Owner: Bellingham Residential #2 Realty, LLC
120 Quarry Drive
Milford, MA 01757

Public Hearing: The Public Hearing opened January 24, 2019 at 7:00 PM. Notice for the public meeting was published in *The Milford Daily News* on January 10, 2019 and January 17, 2019. The Public Hearing was continued to February 28, 2019, June 13, 2019, August 8, 2019, October 24, 2019, January 23, 2020, February 13, 2020, May 14, 2020, June 11, 2020, August 13, 2020, September 10, 2020, November 12, 2020, December 10, 2020, and December 17, 2020 when the Public Hearing was closed.

Date of Vote: December 17, 2020

The Premises: The project, also referred to herein as the "Site", consists of a 103 single family residential subdivision, utilizing the standards set forth within Bellingham Zoning Bylaw Article XIV, Major Residential Development. The project is located off of South Main Street, Center Street, Silver Lake Road and Cross Street on approximately 146+/- acres show on Assessors Map 72-13-1, 72-13-2, 72-14, 72-14-1, 72-14-2, 72-14-3, 72-14-4, 72-14-5, 72-14-6, 72-14-7, 72-16, zoned Suburban, Residential and Agriculture.

The By-law Section 245-10, Subdivision Regulations, Definitive Plan; Section 240-54, Zoning Bylaw, Stormwater Management; and Article XIV, Zoning Bylaw, Major Residential Development

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BELLINGHAM TOWN CLERK

The Proposal: To construct a 103 lot single family residential subdivision, utilizing the standards set forth within Bellingham Zoning Bylaw Article XIV, Major Residential Development.

The Proposal was documented with the following materials:

1. Application for Definitive Subdivision, received January 3, 2019, including a narrative and project description.
2. Application for Major Residential Development, received January 3, 2019, including a narrative and project description.
3. Certificate of Ownership, received January 3, 2019.
4. Certificate of Municipal Taxes and Charges Paid, received January 24, 2019.
5. Certified Abutter's List, Town of Bellingham, dated December 20, 2018.
6. Waiver Requests, received January 3, 2019.
7. Bellingham Shores Major Residential Development, by Oak Consulting Group, last revised December 2, 2020. (also known as the Approved Plan)
8. Overall Site Yield Plan, by Oak Consulting Group, dated July 31, 2017.
9. Plan of Land – 81X, by Guerriere and Halnon, Inc. dated November 16, 2018.
10. Stormwater Management Study, by Oak Consulting Group, last revised August 2020.
11. Staff Checklist, James Kupfer, Town Planner, dated January 14, 2019.
12. Test Pit Logs, by Guerriere and Halnon, Inc., dated April 2020.
13. Test Pit Observations Summary, BSC Group, dated April 20, 2020.
14. Environmental Analysis, by Oak Consulting Group, dated April 24, 2020.
15. Earthwork Calculations, Oak Consulting Group, last revised August 1, 2019.
16. Soli Management Plan draft, by Oak Consulting Group, dated July 2020.
17. Impact to Isolated Vegetated Wetland, by Goddard Consulting, LLC, dated April 28, 2020.
18. Construction Stormwater Pollution Prevention Plan Draft, by EcoTec, Inc. dated June 5, 2020.
19. Conceptual Open Space Reuse Plan, by Oak Consulting Group, last revised October 5, 2020.

20. Traffic Impact and Access Study, by Transportation Engineering, Planning and Policy, dated April 17, 2020.
21. Response to the Traffic Impact and Access Study Peer Review, by Transportation Engineering, Planning and Policy, dated May 28, 2020.
22. Supplemental Memo, by Transportation Engineering, Planning and Policy, dated July 3, 2020.
23. Email Comments, Don DiMartino, DPW Director, dated January 22, 2019.
24. Peer Review of Stormwater and Traffic, by BSC Group, dated February 4, 2020.
25. Response to Peer Review, by Oak Consulting Group, dated April 27, 2020.
26. Peer Review of Stormwater and Traffic, by BSC Group, dated May 13, 2020.
27. Response to Peer Review, by Oak Consulting Group, dated May 28, 2020.
28. Peer Review of Stormwater, by BSC Group, dated September 9, 2020.
29. Peer Review of Stormwater, by BSC Group, dated September 18, 2020.
30. 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 Bylaws 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 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 through a cluster development surrounded by significant contiguous open space.

5. Access meets and exceeds standards as provided by Subdivision Regulations §245-6.

C. WAIVERS

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

- §245-15.A.2 – Sidewalk shall be provided on both sides of all collector streets.
- §245-15.C.2.e.1 – New Trees shall not be planted closer than 10 feet from the edge of any sidewalk or roadway.
- §245-10.A.1.e – Test pits shall be located approximately every 300 feet within the proposed roadway layout

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 G.L. 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 shall be reviewed and approved in accordance with the Bellingham Zoning Bylaws and Subdivision Rules and Regulations. 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. 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 periodic 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.

4. 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.
 5. 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.
 6. 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.
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7. Any and all easements and restrictions that may be necessary to complete and occupy the Project shall be in a form approved by the Town Counsel.
 8. If any part of this Decision is for any reason held invalid or unenforceable, such invalidity or unenforceability shall not affect the validity of any other portion of this Decision.
 9. This Decision is binding on the Applicant's successors, assigns, agents, and employees. This approval shall insure to the benefit of and binding upon Bellingham Residential #2 Realty, LLC provided there is no change in use for the Premises. The Planning Board shall be notified in writing within ten days of any changes in affiliates and successors in title and additional users of the Premises.
 10. All determination, Decisions, and conditions set forth within the Major Residential Development Special Permit, dated December 10, 2020, are hereby incorporated herein. Any violation of such conditions shall constitute a violation of this Permit.

II. Phases of Construction

The Subdivision shall be constructed in multiple phases. Phases are defined within the Approved Plan and accompanying Bellingham Shores Major Residential Development Special Permit, dated December 17, 2020. 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 6 years from this date, provided that, for good cause shown, the Applicant may seek reasonable extensions, which the Board may review and approve administratively without need for a public hearing.

III. Commencement of Construction

Commencement of construction shall begin within 6 months following the date of approval of this decision. "Date of approval" is hereby defined as the date this Decision is certified by the Town Clerk that no appeal is filed, or the date the last appeal is decided or otherwise terminated favorably to the Applicant in the event of an appeal. 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 Section 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 the 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 the 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). If at any point individual lots are to be sold to contractors not affiliated with the Applicant or their successors, the contractors not affiliated with the Applicant or their successors shall be required to have a preconstruction meeting with the Building Inspector and Town Planner prior to the issuance of a Building Permit for each and every lot the contractor is applying for.
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 for each Phase

Prior to approval of Building Permits for any structures within the subdivision the following shall have been completed:

1. The Inclusionary Housing permit shall be approved, including the identification of the parcel to be affordable and timing of construction and occupancy for unit.
2. The location of all street trees shall be clearly marked in the location where the tree is to be planted as per §245-15C(2)(f)(4). Any existing trees to be kept will be inspected by the Bellingham Tree Warden.

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.
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 "Not Public Way" signs.
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 in the time noted above shall result in an automatic lapse of this approval, unless otherwise extended by the Planning Board 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

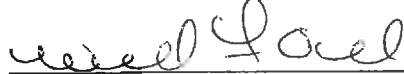
The following shall have been completed prior to release of final security.

1. Arrangement satisfactory to Planning Board on advice of the Director of Public Works shall be made to secure permanent maintenance of the stormwater management system prior to final street acceptance without net cost to the Town which at this time is anticipated to be no less than Nineteen Thousand Dollars(\$19,000.00).

Prior to street acceptance, the Director of Public Works and the Applicant shall review maintenance of the stormwater 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 digitalized 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(I)(3) of the Rules and Regulations Governing the Subdivision of Land for the Town of Bellingham.

Respectfully submitted,



William F. O'Connell, Chairman



Brian T. Salisbury, Vice Chairman


Dennis J. Trebino

Russell E. Lafond



Phillip M. Devine

Planning Board

2-22-20