



BELLINGHAM PLANNING BOARD

10 MECHANIC STREET
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PlanningBoard@bellinghamma.org

November 9, 2023

BUNGAY BROOK TOWNHOMES INCLUSIONARY HOUSING SPECIAL PERMIT DECISION

A. BACKGROUND

Applicant: Bungay Brook LLC/ Elite Home Builders LLC
PO Box 1205
Westborough, MA, 01581

Owner: Bungay Brook LLC/ Elite Home Builders LLC
PO Box 1205
Westborough, MA, 01581

Application Date: November 9, 2023

Public Hearing Date: Published in the Milford Daily News on September 19, 2023 and September 28, 2023. The public hearing was held on October 12, 2023.

Decision Date: November 9, 2023

Premises: 56.78+ acre parcel is located at 30 Locust Street, Map 93, Lot 22, zoned Suburban and Agriculture.

Bylaw: Chapter 240, Article XXV Inclusionary Housing of the Bellingham Zoning Bylaw.

Proposal: The Applicant proposes eleven (11) inclusionary housing units as required in the approved Bungay Brook Townhomes Special Residential Use Special Permit dated March 3, 2022.

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BELLINGHAM TOWN CLERK

The Applicant's proposal was documented through the following submissions:

1. Application for Special Permit dated September 8, 2023 with supporting materials submitted therewith, including a narrative and certified abutters list.

2. Bungay Brook Affordable Location Plan.
3. Bungay Brook Townhomes Special Residential Use Special Permit dated March 3, 2022.
4. Bungay Brook Townhomes Differences between Market Rate Units & Affordable Units.
5. Other miscellaneous documents on file at the Planning Board offices.

B. DETERMINATIONS

Following its public hearing on the Applicant's proposal for eleven (11) inclusionary housing units, the Planning Board has made the following determinations:

1. That the Applicant has submitted an Inclusionary Housing application to the Planning Board as per Chapter 240, Article XXV of the Code of the Town of Bellingham for eleven (11) Inclusionary Housing affordable units.
2. That the Applicant has identified and submitted information for the construction of eleven (11) affordable units, as described on the above-referenced documents.
3. That said units provide for adequate affordable units in compliance with the requirements of the Zoning Bylaws. The unit's design and amenities comply with the requirements of the Executive Office of Housing and Livable Communities (EOHLC) Local Initiative Program as conditioned herein.
4. The Developer has proposed to hire a marketing/lottery agent for the affordable units. The marketing/lottery agent shall comply with all sections of the guidelines for Affirmative Fair Housing Marketing and Resident Selection Plan and the Local Initiative Program (LIP) as issued by Executive Office of Housing and Livable Communities.
5. The Planning Board has determined that this proposal will not have adverse effects which over-balance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

C. CONDITIONS

Based on the above determinations, the Board finds that, the proposal meets the requirements of the Zoning Bylaw and, accordingly, grants the Inclusionary Housing Special Permit with regard to the eleven (11) units proposed at Bungay Brook Townhomes as described above and subject to the following conditions:

1. All conditions set forth within the Bungay Brook Townhomes Special Residential Use Special Permit dated March 3, 2022, are hereby incorporated herein. Any violation of such conditions shall constitute a violation of this Approval.
2. The construction and phasing of the inclusionary units shall be consistent with the above-referenced plans with the exception of three middle units identified as affordable in the Bungay Brook Affordable Location Plan shall be relocated to end units to vary distribution.
3. There shall be a minimum of eleven (11) inclusionary housing units within the Bungay Brook Townhome development, deed restricted affordable at 80 percent of the Area Median Income in perpetuity.
4. The inclusionary housing units shall include air conditioning to match in kind and character the amenities provided for the market rate units.
5. In order to appropriately phase the inclusionary housing units, prior to the 50th overall occupancy permit issued for Bungay Brook Townhomes, five inclusionary housing units shall have received an occupancy permit. Prior to the 100th overall occupancy permit issued for Bungay Brook Townhomes, the final six inclusionary housing units shall have received an occupancy permit. All inclusionary housing units shall have received an occupancy permit prior to the 100th overall occupancy permit.
6. Any material change to the location, timing or design of the inclusionary units shall require Planning Board approval at a regularly scheduled meeting of the Board.
7. If possible, priority for the sale of the maximum amount of the affordable units should first be to Bellingham residents.
8. Prior to issuance of an occupancy permit, the affordable units shall be submitted for approval to EOHLC under the Local Initiative Program (LIP) as revised herein. The LIP application shall be submitted within 60 days of the end of the appeal period for this decision. The LIP Application shall be forwarded to the Town for its approval, signature, and submission to EOHLC.
9. A deed restriction shall apply to each of the eleven (11) inclusionary units and must be deemed acceptable to EOHLC and Town Counsel prior to the issuance of any occupancy permits. The deeds shall be recorded at the Norfolk County Registry of Deeds or the Land Court and shall be in force in perpetuity.

10. This Decision, which is binding on the Applicant's successors, assigns, agents and employees, may not be assigned with prior consent of the Planning Board, such assent not to be unreasonably withheld.
11. Any person aggrieved by the Decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17 within twenty (20) days after this Decision is filed with the Bellingham Town Clerk.
12. No Special Permit, or modification or extension thereof, shall take effect until a copy of this Decision has been recorded in Norfolk Registry of Deeds. Such Decision shall bear the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal has been filed, or that if such appeals has been filed, it has been dismissed or denied.

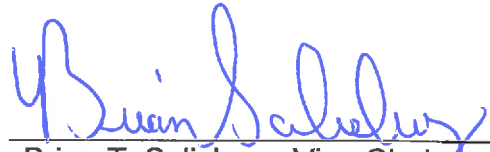
D. RECORD OF VOTE

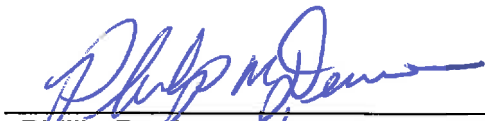
The Bellingham Planning Board, by a vote of 5-0, voted to **Approve** the **BUNGAY BROOK TOWNHOMES INCLUSIONARY HOUSING SPECIAL PERMIT**.

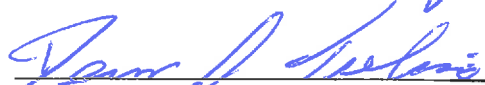
Bellingham Planning Board

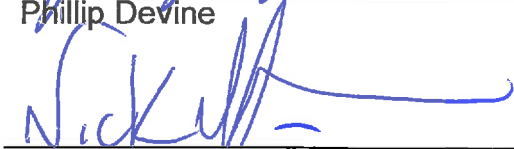
November 9, 2023


William F. O'Connell, Jr., Chairman


Brian T. Salisbury, Vice Chairman


Phillip Devine


Dennis J. Trebino


Nick Mdbilia

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 November 13, 2023.

Lawrence J. Sposato, Jr.
Bellingham Town Clerk