



BELLINGHAM PLANNING BOARD

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

September 9, 2021

RED MILL ON THE CHARLES DOWNTOWN RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT SPECIAL PERMIT DECISION

A. BACKGROUND

Applicant: Snowflake, LLC c/o Kevin Lobisser, Manager
One Charlesview Road, Suite 1
Hopedale, MA 01747

Owner: Varney Brothers Sand and Gravel, Inc.
P.O. Box 94
Bellingham, MA 02019

Public Hearing: The Public Hearing opened March 26, 2020 at 7:00 PM. Notice for the public meeting was published in *The Milford Daily News* on March 12, 2020 and March 19, 2020. The Public Hearing was continued to April 23, 2020, June 11, 2020, June 25, 2020, July 9, 2020, August 13, 2020, September 10, 2020, October 8, 2020, November 12, 2020, January 14, 2021, February 23, 2021, April 22, 2021, July 8, 2021, August 12, 2021, and September 9 when the Public Hearing was closed.

Date of Vote: September 9, 2021

The Premises: The project, also referred to herein as the "Site", consists of a 105 single family and 66 townhome residential subdivision, utilizing the standards set forth within Bellingham Zoning Bylaw Article XXIX, Downtown Residential Development Overlay District. The project is located off of Mill Street and Mechanic Street on approximately 85.6+/- acres shown on Assessors Map 51,13-1, zoned Suburban and Business-1.

The By-law Article XXIX, Downtown Residential Development Overlay District

RCV SEP 10 '21 04:54:38
BELLINGHAM TOWN CLERK

The Proposal:

To construct a 105 single family and 66 townhome residential subdivision, utilizing the standards set forth within Bellingham Zoning Bylaw Article XXIX, Downtown Residential Development Overlay District.

The Proposal was documented with the following materials:

1. Application for Definitive Subdivision, dated March 5, 2020, including a narrative and project description.
2. Application for Downtown Residential Development Overlay District Special Permit, dated March 5, 2020, including a narrative and project description.
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4. Certificate of Municipal Taxes and Charges Paid, dated March 5, 2020.
5. Certified Abutter's List, Town of Bellingham, dated February 28, 2020.
6. Waiver Requests, dated March 5, 2020.
7. Red Mill On The Charles a Definitive Subdivision Plan, by Allen Engineering and Associates, Inc., last revised September 2, 2021. (also known as the Approved Plan)
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28. 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 has sought to construct a residential development utilizing Bellingham Zoning Bylaw Article XXIX, Downtown Residential Development Overlay District (DROD). §240-208 sets strict limitations on density, dimensional requirements and percent open space in perpetuity. The Plan has been reviewed and approved in accordance with these considerations.

Therefore, the Downtown Residential Development Overlay District permit yield shall be limited to no more than 105 single family lots and 66 townhome units on the Site.

2. The Applicant has designed all roadway serving the site to conform to the standards of the Town where the roadway is ultimately intended for dedication and acceptance by the Town.

3. The Applicant sought and received a Special Permit under Article XVII, Earth Removal of the Zoning Bylaw, to remove earth in excess of 2,500 cubic yards from the Site. The permit was issued by the Zoning Board of Appeals at the May 7, 2021 meeting of the Board.
4. The Applicant has provided each dwelling unit with at least two off-street parking spaces. Parking spaces in front of garages may count in this computation.
5. The Applicant has provided for a minimum of 40% of the parcel shown on the Plan to be preserved as open space.
6. Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board, as designed and maintained in a manner consistent with the Operation and Maintenance Plan submitted to the Board.
7. Consideration was given to Section 240-25 General Special Permit Criteria:
 - a. Social, economic or community needs which are served by the proposal will be provided through the expanded housing options as well as open space and recreational improvements for the Town of Bellingham.
 - b. Traffic flow and safety has been thoroughly considered. In response to the concerns of the Board, the Applicant has proposed several mitigation strategies (listed in Section C.) to resolve concerns. The Board stated several traffic coordination concerns which the Applicant has considered. The Board identified Mill Street and Mechanic Street intersection as an area of concern regarding safe turning movements. In response, the Board has restricted certain turning movements. Additionally, the Board has requested a connection between the newly formed subdivision road and the signalization at Route 126 and Route 140 and Common Street. The Board and the Applicant also agree to a through road from Mill Street to Mechanic Street to improve traffic flow.
 - c. Adequacy of utilities and other public services have been determined to be sufficient. The Director of Public Works has offered comments and confirmed that adequate capacity in the municipal water supply system and sewer is present to accommodate the Site. All public utilities shall be underground.
 - d. Neighborhood character and social structures have been considered. The Site is situated on 85.6+/- acres of which nearly 38.40 acres will be set

aside as open space. In addition, as conditioned below, the Applicant shall vary both style and setback of homes as well as provide sidewalks and street trees within the Site at strategic locations to create a unique character to the neighborhood.

- e. Qualities of the natural environment were considered and there were extensive discussions and plan revisions to preserve and/or mitigate impacts to the natural environment. The Applicant has agreed to preserve a substantial percentage of the property as open space in perpetuity. The Site is situated on 85.6+/- acres of which nearly 38.40 acres shall be donated to the Town of Bellingham or Conservation Commission as open space.
- f. The project is expected to have a positive fiscal impact on the Town.
- g. The Board has reviewed §240-209 Impact Contribution and the Applicant has provided a Development Agreement as well as has been conditioned further in Section C that properly and adequately accommodates the new development.

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 ___ to ___ in favor, accordingly, grants the Applicant and its successors and assigns as owner of the premises, a Downtown Residential Development Overlay District Special Permit subject to the following conditions:

1. This Approval is limited to the improvements as noted on the Approved Plan, residential 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 commencement of construction the Developer shall furnish guarantees to the Planning Board as provided in the Subdivision Regulations that except as otherwise expressly provided in M.G.L. c. 41, Section 81U, no unit included in the Project shall be occupied until the essential infrastructure necessary to serve such unit has been completed in the manner specified by the

Subdivision Regulations of the Town of Bellingham and/or the Approved Plan or a performance bond or other security under §81U in lieu of completion has been accepted by the Planning Board. The sum of any such security held shall be acceptable to the Bellingham Department of Public Works and shall bear a direct and reasonable relationship to the expected cost, including the effect of inflation, necessary to complete the subject work. 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.

3. Prior to the issuance of a Building Permit, a Geotechnical /Structural Engineer peer review shall be procured by the Town. This peer review shall be paid for by the Applicant after review and approval of scope and fee. The review will include but not be limited to review and approval of the details and specifications for the stormwater basin's core. The review shall be provided to the Town Planner and Building Inspector for their evaluation and review to confirm suitability of the material, design and construction protocol(s) for its intended use. The Geotechnical /Structural Engineer shall also review the design and monitor the installation of Basins IB-2, 3, 4, 5, 6, 8, 9, 10 and 11 in the field and provide an inspection report to the Town Planner and Building Inspector.

For Basin IB-7, the Geotechnical/Structural Engineer will review in the field the bottom of the basin blasted within ledge to determine whether excavation procedures have created any potential fissures that could provide for seepage from the basin. At completion, the Geotechnical Engineer shall certify to the Town, that the basin was constructed accurately, per the Approved Plan. Any concerns or discrepancies discovered by the Town or their representative that cannot be resolved between both parties shall be referred to the Planning Board at a regularly scheduled meeting for determination.

4. The conveyance of open space shall be granted to the Town of Bellingham and/or the Bellingham Conservation Commission. Prior to the issuance of the 75th Occupancy Permit the Applicant shall convey the +/-38.40 acre area of land as shown on the Approved Plan to the Town of Bellingham.
5. The Board has reviewed §240-209 Impact Contribution and the Applicant has provided a Development Agreement as well as has been conditioned herein:
 - A. The Developer shall provide funds in the amount of \$20,000 per unit, for the first 150 units, to be paid at the closing of each unit as mitigation to offset anticipated impacts associated with an increase in school enrollment. Said funds shall be utilized for improvements to the

- Bellingham Public School system and/or facilities, to be used by the Town in its sole discretion. Payments shall be made to the Town of Bellingham at the closing of each 150 units.
- B. Roads and Parking Areas. The Developer shall construct and maintain the streets and parking areas within the Project until such time as Town Meeting accepts the roadways and infrastructure.
 - C. The Developer shall provide funds in the amount of \$35,000 per construction phase (total of three phases), prior to the first occupancy of each construction phase, to mitigate the impacts to the public ways during earth removal operations.
 - D. The Developer shall remove the building at 12 Mechanic Street known as the "Dominos" building within 30 days from the removal of 25,000 cubic yards of earth from the site, or prior to the issuance of the first building permit of Phase 1, whichever comes first.
 - E. The Developer shall provide funds in the amount not to exceed \$80,000 to improve the existing playground at the former Macy School in lieu of providing recreational amenities to the proposed subdivision. The donation shall be for three playground equipment items as well as associated landscaping. The donation shall be provided prior to the 20th building permit.
 - F. The Developer shall, during the construction of Common Street, install a sewer connection from Mill Street to Town Hall.
 - G. The Developer shall provide a stormwater basin (east of Walgreens and southwest of in proximity to Common Street to assist the Town in meeting its MS4 requirements to treat runoff from South Main Street (Potter Drive to Mechanic St).
6. 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). The Board has waived strict adherence to the distance requirements. The Board shall require no less than the required number of street trees in accordance with §245-15C(2) but location and type may vary as shown on the Approved Plan.
7. The Applicant has received an Earth Removal Special Permit from the Zoning Board of Appeals, dated May 7, 2021. To minimize the ongoing impacts of the earth removal operation the Applicant shall adhere to the following:
- A. All earth to be removed from the site shall be within a covered vehicle. All trucks must leave in accordance with the Earth Removal Special Permit from the Zoning Board of Appeals, dated May 7, 2021. Failure to comply with the requirements of this paragraph may result in a stop-work order, as may be directed by the Town's Zoning Enforcement Officer, the Board, or its duly authorized designee.

- B. For earth removal operations at this location, construction activities shall be conducted between the hours of 9:00am to 4:00pm Monday through Saturday, with no work on Sunday and legal holidays.
 - C. Traffic and dust concerns shall be monitored and maintained at all times. Complaints received regarding earth removal, including but not limited to traffic safety at Mill Street and Rt 126, shall be enforced administratively. However, if ongoing complaints persist, without remedy, to the Safety Officer, Building Inspector and/or Town Planner, the Applicant shall be required to come before the Zoning Board of Appeals at a regularly scheduled meeting to discuss measures the Applicant is taking to remedy the concerns. Failure to comply with the corrective measures agreed to shall be deemed a violation of this special permit, a violation of the zoning bylaws and shall provide the Zoning Board of Appeals with grounds to void this permit or other enforcement measures available.
 - D. The construction entrance shall be armored with a rip rap pad to remove debris from the tires of the trucks leaving the site.
 - E. The Applicant, prior to any land disturbance, shall provide a traffic control plan and narrative to the Town Planner in accordance with the Earth Removal Special Permit from the Zoning Board of Appeals, dated May 7, 2021. The plan shall detail an approximate schedule for earth removal, a descriptive narrative of daily maintenance routine including but not limited to reviews of the entrances and removal routes for any earth material spills and require clean-up if needed, review of the entrance armored pad and to improve when needed, etc.
 - F. As previously stated in condition 5C above, the Applicant shall provide funds in the amount of \$35,000 per construction phase (total of three phases), prior to the first occupancy of each construction phase, to be used by the Town for traffic safety and maintenance improvements, to mitigate the impacts to the public ways during earth removal operations, per the Town of Bellingham Development Agreement, First Amendment.
 - G. All "temporary" onsite stockpiles, left undisturbed for greater than 14 days, shall be stabilized to limit dust and debris.
8. As identified on the Phasing and Construction Erosion Control Plan, within the Approved Plan set, the Project will be divided into multiple phases. These phases are identified and measured so to construct the Project in an organized and efficient manner to cause minimal disturbance to the surrounding residential community.

All essential infrastructure shall be completed, reviewed and approved by the Town's representative prior to the issuance of an occupancy permit for the subsequent phase as shown on the Approved Plan. Essential infrastructure herein shall be defined as all infrastructure that services said lot, including but

not limited to, adequate access, completed drainage, and free and clear of all 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. In addition, prior to the commencement of construction for the next phase, the Applicant shall apply and receive an occupancy permit for a minimum of 75% of the number of lots within the current phase.

Timing of the transition to the next Phase may be reviewed and amended upon approval of the Board at a regularly scheduled Board meeting at the request of the Applicant.

Mature vegetation shall be preserved. Prior to the start of clearing for each phase the Applicant's representative will meet with the Town Planner and Conservation Agent to determine which mature vegetation can be preserved. Any mature vegetation to be saved shall be placed outside the cleared area and marked with snow fence or other material so to draw attention to the preserved area while clearing is occurring.

Prior to the commencement of construction for each phase, sediment and erosion controls shall be installed and be subject to the inspection and approval by the Town Planner and Conservation Agent.

9. The Limit of Work is the limit of grading and general excavation. No construction staging or stockpiling of equipment or materials shall be placed outside the Limit of Work.
10. The hours of operation for any construction or staging activities on-site shall be Monday through Friday, from 7:00 am to 6:00 pm. Construction activity shall also be permitted on Saturdays from 9:00 am to 6:00 pm. These activities shall include all equipment on site shall not start up or remain on before or after the hours listed above. No construction activity shall take place outside the specified permitted hours or on Sunday or New Years' Day, Memorial Day, July Fourth, Labor Day, Thanksgiving, Christmas, or other legal holiday. No idling for longer than 5 minutes, if vehicles and equipment are not in operation.
11. All construction related parking shall be conducted on-site. No parking of any vehicle associated with the Project shall park on a public way, including those vehicles arriving early. There shall be no staging of vehicles on a public way. All vehicles associated with the Project shall enter into the temporary construction entrance and park within the construction fencing at all times.
12. If construction activity ceases for longer than 30 days, for any reason, then written notice shall be provided by the Applicant to the Building Commissioner at least 48 hours before resuming work. The Building Commissioner may

require that any foundation, trench, structure, equipment or other hazard be secured as necessary, in his opinion, including but not limited to installation of fencing and/or filling of trenches.

13. If construction is temporarily suspended, for any reason, during the growing season, all exposed areas shall be stabilized by seeding and/or mulching within 14 days of suspension of construction. If construction is temporarily suspended outside the growing season, all exposed areas shall be stabilized by mulching and tack within 14 days of suspension of construction. Slopes steeper than 3:1 shall be stabilized by netting and pinning during suspension of construction.
14. Utilities within the Site, including but not necessarily limited to electric, cable and telephone, shall be located underground.
15. All exterior lighting at the Site shall be dark sky compliant and shall not allow spillover of light onto adjoining properties, in accordance with the Approved Plans and the Town's Zoning By-laws
16. The Board has requested the Applicant evaluate ways in which the Applicant may provide an enhanced neighborhood character to the subdivision design. In response, the Applicant has provided multiple building styles that illustrate a typical single-family home built at the Site. The Board shall require a minimum of 6 building styles to be constructed at Site. These styles shall be reviewed and approved at a public meeting of the Board prior to commencement of building construction. No more than 2 buildings of the same style shall be sited directly adjacent to one another. In addition, no single-family home shall have the same front setback as its direct abutters. Lastly, no more than 50 percent of the single-family homes shall have a garage's front facade sited with a lesser front setback than the front primary entrance façade of the single-family home. In order to adhere to these conditions, when submitting a building permit, the Applicant shall provide the plot plan for the direct abutting lots, showing existing or proposed building footprint location and model to confirm compliance.
17. All drainage 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.
18. The Stormwater Management Operation and Maintenance Plan (O&M), last revised April 21, 2021, included as part of the Stormwater Management Study, 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.

19. § 240-99 Long-term compliance. Subsequent to approval, no land therein shall be sold and no lot line or structure altered from that shown on the plan so as to increase the extent of nonconformity with the standard dimensional regulations of this bylaw. Prior to the sale of any lot within a development, or issuance of a building permit for construction therein, such lots shall be shown on a plan recorded in the Registry of Deeds or registered with the Land Court, which plan shall make reference to the recorded land agreements referred to in §§ 240-93 and 240-94. Unless the Planning Board has specifically approved staged development, such plan shall show all lots to be included in the Development.
20. Prior to the issuance of the 90th occupancy permit, a security agreement satisfactory to Planning Board on advice of the Director of Public Works shall have been made to secure permanent maintenance of the stormwater maintenance system prior to final street acceptance without net cost to the Town which is anticipated to be no less than Ten Thousand one hundred and fifty dollars (\$10,150.00).
21. 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 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. 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.
22. 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 final occupancy permit, such approval shall not be unreasonably withheld.
23. This Decision is binding on the Applicant's successors, assigns, agents, and employees. This approval shall insure to the benefit of and binding upon Snowflake, LLC c/o Kevin Lobisser, Manager 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.

24. All determination, Decisions, and conditions set forth within the Definitive Subdivision Decision, dated September 9, 2021, are hereby incorporated herein. Any violation of such conditions shall constitute a violation of this Permit.
25. The Applicant shall comply with §240-16B(5) and (6) regarding As-Built Plans and follow the policies of the As-Built handbook.
26. The Site is also subject to the provisions of a Certificate of Approval of a Definitive Subdivision Plan and Stormwater Management Plan Permit dated September 9, 2021.
27. 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.

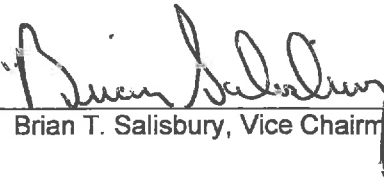
D. RECORD OF VOTE


I vote to **APPROVE** the **RED MILL ON THE CHARLES DOWNTOWN RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT SPECIAL PERMIT**.

Bellingham Planning Board

September 9, 2021


William F. O'Connell, Jr., Chairman


Brian T. Salisbury, Vice Chairman


Phillip Devine


Dennis J. Trebino


Elizabeth Berthelette

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 September 10, 2021.

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
RED MILL ON THE CHARLES
September 9, 2021**

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The By-law Section 245-10, Subdivision Regulations, Definitive Plan; Section 240-54, Zoning Bylaw, Stormwater Management; and Article XXIX, Downtown Residential Development Overlay District

RCV SEP 10 '21 AM 8:53:14
BELLINGHAM TOWN CLERK

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27. Peer Review of Stormwater, by BSC Group, dated June 1, 2021.
28. 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.
- §245-15.C.2.d- trees shall be planted at 40 foot intervals
- §245-13.(D).2.a – Slope of detention basin walls in a cut area shall not exceed 4:1 slopes
- §245-12.(C). 1 – Dead end street shall provide access to no more than 12 potential dwelling units.

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 81U, 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.
 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 Snowflake, LLC c/o Kevin Lobisser, Manager 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 Downtown Residential Development Overlay District Special Permit, dated September 9, 2021, 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 Downtown Residential Development Overlay District Special Permit, dated September 9, 2021. 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 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 location of all street trees shall be clearly marked in the location where the tree is to be planted as per §245-15C(4).
4. 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.
5. The applicant has abided by all requirements of the Rules and Regulations Governing the Subdivision of Land for the Town of Bellingham.

VII. 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.

VIII. 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 ten thousand one hundred and fifty dollars (\$10,150.00).

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


Elizabeth Berthelette


Phillip M. Devine

Planning Board