



# BELLINGHAM PLANNING BOARD

10 MECHANIC STREET  
BELLINGHAM, MASSACHUSETTS 02019  
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[PlanningBoard@bellinghamma.org](mailto:PlanningBoard@bellinghamma.org)

**CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN  
AND STORMWATER MANAGEMENT PLAN PERMIT  
SNETT TRAIL ESTATES  
October 12, 2023**

**A. BACKGROUND**

**Applicant:** Michael Burr  
336 Lake Street  
Bellingham, MA 02019

**Owner:** Michael Burr  
336 Lake Street  
Bellingham, MA 02019

**Public Hearing:** The Public Hearing opened January 27, 2023 at 7:00 PM. Notice for the public meeting was published in *The Milford Daily News* on January 13, 2023 and January 20, 2023. The Public Hearing was continued to February 24, 2023, March 23, 2023, April 13, 2023 and October 12, 2023 when the Public Hearing was closed.

**Date of Vote:** October 12, 2023

**The Premises:** The project, also referred to herein as the "Site", consists of a 6 single family residential subdivision lots greater than two acres. The project is located on the west side of Lake Street. Access to the site is between 336 and 340 Lake Street. The Site is approximately 15.3+/- acres show on Assessors Map 80-09-01, zoned Agriculture.

**The By-law** Section 245-10, Subdivision Regulations, Definitive Plan; Section 240-54, Zoning Bylaw, Stormwater Management

**The Proposal:** To construct 6 single family residential subdivision lots greater than two acres.

The Proposal was documented with the following materials:

1. Application for Definitive Subdivision, dated November 15, 2022, including a narrative and project description.

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2. Application for Stormwater Management Permit, dated November 15, 2022.
3. Certificate of Ownership, dated November 9, 2022.
4. Certificate of Municipal Taxes and Charges Paid, dated November 9, 2022.
5. Certified Abutter's List, Town of Bellingham, dated November 10, 2022.
6. Site Narrative and Environmental Analysis, including waiver list, last revised August 8, 2023.
7. SNETT Trails Estate Definitive Subdivision Plan, A Single Family Residential Subdivision, Bellingham, Massachusetts, by Legacy Engineering, LLC, last revised August 30, 2023. (also known as the Approved Plan)
8. Stormwater Management Report, by Legacy Engineering, LLC, last revised July 11, 2023.
9. Memo to the Board, Don DiMartino, DPW Director, dated January 9, 2023.
10. Email Comments, Chief Gentile, Fire Chief, dated January 10, 2023.
11. Peer Review of Stormwater, by BSC Group, dated March 22, 2023.
12. Peer Review of Stormwater, by BSC Group, dated July 31, 2023.
13. 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 of limited environmental impacts is based upon the environmental analysis that has been concurrently reviewed by the Conservation Commission and Peer Review Engineer.

5. Access meets and exceeds standards as provided by Subdivision Regulations §245-6 or relief has been granted.

### **C. WAIVERS**

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

- §245-11.D – to allow the roadway profile and utility layout as shown on the Approved Plan. The final plan dated 8/30/2023 should reflect what is being constructed.
- §245-12.A.5 – to allow a reduction in separation from the intersection of Highridge Road as shown on the Approved Plan.
- 245.13.F.1.b -to not require subdrains.
- 245-14.B.4 – to allow for a dead-end water main.
- 245-15.C.2 – to not require a landscape plan.

### **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. 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.
3. 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.

4. 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.
5. The paved radius of the cul-de-sac will be increased by one foot. This will be shown on the endorsed plan.
6. Parcel "C" and "D" shown on the Approved Plan shall be gifted to direct abutters and shall not be buildable lots. If Parcel "C" and "D" are not accepted by the direct abutters, Parcel "C" and "D" shall be deeded to the Homeowner's association and deed restricted as open space in perpetuity.
7. 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.
8. 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.
9. 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.
10. 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.

## **II. Phases of Construction**

The Subdivision shall be constructed in one phase. 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 8 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 five years 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 30 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**

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

1. 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. A Landscape Plan shall be submitted to the Planning Board prior to construction and shall be reviewed and approved during a regularly scheduled meeting of the Board.

#### **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. The Planning Board shall determine compliance with the written conditions as outlined in the section entitled "General Conditions" above.
2. 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. Such maintenance shall be administered and completed by the Homeowners Association in perpetuity. The Developer shall provide proof of executed Homeowners Association Bylaws incorporating such maintenance unless or until the road together with stormwater management is accepted by the Town.
3. Record plans. Upon completion of construction, and before release of the final security, the Developer shall prepare and submit stamped As-Built Plans for review and approval as to conformance with the Approved Plan.

Respectfully submitted,



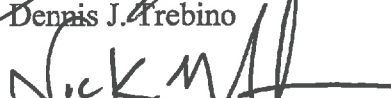
William F. O'Connell, Chairman



Brian T. Salisbury, Vice Chairman



Dennis J. Trebino



Nick Mobilia



Phillip M. Devine

Planning Board

Date: 10/12/23

