



# BELLINGHAM ZONING BOARD

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

January 2, 2020

## BURTON WOODS COMPREHENSIVE PERMIT DECISION

RECEIVED  
TOWN OF BELLINGHAM  
2020 JAN -3 A 8:45  
OFFICE OF THE  
TOWN CLERK

### A. BACKGROUND

- Applicant:** Hidden Meadow II Realty Trust  
Edward Gately, Trustee  
6 Pine Street  
Bellingham, MA 02019
- Owner:** Hidden Meadow II Realty Trust  
Edward Gately, Trustee  
6 Pine Street  
Bellingham, MA 02019
- Public Hearing:** The Public Hearing opened May 2, 2019 at 7:00 PM. Notice for the public meeting was published in *The Milford Daily News* on April 18, 2019 and April 25, 2019. The Public Hearing was continued to June 6, 2019, August 1, 2019, September 5, 2019, October 3, 2019, November 7, 2019, December 5, 2019, and January 2, 2020 when the Public Hearing was closed.
- Date of Vote:** January 2, 2020
- The Premises:** The project, also referred to herein as the "Site", is proposed to be accessed by a newly created driveway off Sunken Meadow Road, a private way. The project is located at Assessors Map 14-42, approximately 9.605 acres, in a Suburban Zoning District.
- The By-law** Massachusetts General Law chapter 40B §20-23
- The Proposal:** To construct 28 detached single-family condominium homes, of which seven will be sold to income eligible buyers in conjunction with the Department of Housing and Community Development standards, with associated improvements, served by a private driveway off Sunken Meadow Road. Also referred to herein as the "Project".

The Proposal was documented with the following materials:

1. Application for Comprehensive Permit, dated April 9, 2019, including a narrative and project description.
2. Quitclaim Deed submitted April 10, 2019.
3. Grant of Easement, submitted April 10, 2019
4. Certificate of Ownership received November 26, 2018.
5. Certified Abutter's List, Town of Bellingham, dated April 3, 2019.
6. Certified Abutter's List, Town of Franklin, dated April 3, 2019.
7. Site Plans for Burtonwoods off Sunken Meadow Road, by Guerriere and Halnon, Inc., last revised November 22, 2019. (also known as the Approved Plan)
8. Preliminary Architectural Plans and Building Specifications submitted April 10, 2019.
9. Project Eligibility Letter, by MassHousing, dated February 14, 2019.
10. List of Requested Exemptions to Local Requirements.
11. MassHousing Comprehensive Permit Site Approval Application for Homeownership, by Hidden Meadow II Realty Trust, received November 15, 2018.
12. Letter Regarding Access, Atty. John Vignone, dated November 2, 2018.
13. Letter Regarding Right to Improve Land, Atty. John Vignone, dated May 31, 2019.
14. Letter Regarding Access, Michael Maglio, Franklin Town Engineer, dated April 11, 2017.
15. Letter Regarding School Bus Access, Joseph Vendetti, Owner of Vendetti Bus, dated December 4, 2018.
16. Stormwater Report, by Guerriere and Halnon, Inc, last revised November 22, 2019.
17. Staff Checklist, James Kupfer, Town Planner, dated April 18, 2019.
18. Draft Declaration of Trust, Draft Burton Woods Condominium Trust, recieved July 20, 2019.
19. Marketing, Outreach and Lottery Plan for the Affordable Units, by MCO Housing Services, received June 10, 2019.
20. Preliminary Analysis of Traffic Impacts, by MCO Housing Services, dated April 26, 2019.
21. Sight Distance Survey Memo, by Colonial Engineering, Inc., dated May 22, 2019.

22. Sight Distance Plan, by Colonial Engineering Inc., dated July 9, 2019.
23. Sight Distance Survey Memo, by Colonial Engineering, Inc., dated July 30, 2019.
24. Peer Review of Sight Distance at Sunken Meadow Road and Pine Street, by PSC, dated August 21, 2019.
25. Traffic Memo, by MCO Housing Services, dated August 30, 2019.
26. Fire Truck Turning Radius Plan, by Guerriere and Halnon, Inc., last revised May 22, 2019.
27. Peer Review of Stormwater Management and Notice of Intent Related Documents, by PSC, dated June 10, 2019.
28. Response to Peer Review, by Guerriere and Halnon, Inc, dated July 26, 2019.
29. Peer Review of Stormwater Management and Notice of Intent Related Documents, by PSC, dated August 1, 2019
30. Response to Peer Review, by Guerriere and Halnon, Inc, dated August 27, 2019.
31. Peer Review of Stormwater Management and Notice of Intent Related Documents, by PSC, dated September 13, 2019
32. Response to Peer Review, by Guerriere and Halnon, Inc, dated September 23, 2019.
33. Peer Review of Stormwater Management and Notice of Intent Related Documents, by PSC, dated November 18, 2019
34. Response to Peer Review, by Guerriere and Halnon, Inc, dated November 19, 2019.
35. All public comment submitted to the Zoning Board of Appeals and on file at the Planning Board offices.
36. Other miscellaneous documents on file at the Planning Board offices.

**B. DETERMINATIONS/ FINDINGS**

After considering the concerns raised by abutters and others during the course of the public hearing and reviewing the documents, plans, testimony and other evidence submitted during the public hearing, the Board makes the following Determinations and Findings:

1. The Applicant filed a Chapter 40B project eligibility/site approval application to MassHousing and received site eligibility on February 14, 2019. MassHousing site eligibility was approved for no more than 28 detached single-family condominium homes at Assessors Map 14-42, approximately 9.605 acres served by a private driveway off Sunken Meadow Road (the "Site").
2. The Site is presently undeveloped and is in the Suburban Zoning District.
3. Hidden Meadow II Realty Trust has control over the Site, as evidenced by a Quitclaim Deed provided.
4. That the Site is not located within the Water Resource District.
5. The Application is for 28 detached single-family condominium homes, each of which will contain up to three bedrooms and are approximately 1,800 square feet.
6. The Application proposes seven (7) affordable home-ownership units. The affordable units will be sold to households earning no more than 80 percent area median income.
7. The Project will be served by public water and public sewer as shown on the Approved Plan.
8. The Property is to be governed under a condominium trust so to maintain common elements on the Site. The Property is not to be further subdivided.
9. The property has approximately 2.75 acres of wetlands, most of which are located to the north of the Property. The proposal minimizes disturbance of the wetland resources, as defined by the Wetland Protection Act and is further controlled through a Notice of Intent by the Bellingham Conservation Commission.
10. The Board finds that the Town has not met the required housing goal of 10 percent in accordance with Massachusetts General Law chapter 40B §20-23 and therefore accepted the application and reviewed the proposed Project.

11. The Board finds that the site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site are in compliance with the Department of Housing and Community Development regulations CMR 760.56.04 (2).
12. The Board finds that the performance requirements of the local zoning 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.
13. The Board finds that the stormwater management shown on the Approved Plan and associated drainage analysis has been designed to meet the Stormwater Management Standards set by the Massachusetts Department of Environmental Protection. The standards include removing solids from the stormwater, reducing rates of runoff from the site, and direct recharging of the roof runoff at each unit.  
  
Although the proposed development meets the Stormwater Management Standards set by the Massachusetts Department of Environmental Protection, the development does not meet local by-laws for the same and waivers were requested. Refer to section 19 for a list of approved waivers.
14. The Board finds that the 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 Site is situated along the Charles River, a body of water of high importance. The area of disturbance has been refined to meet the Wetlands Protection Act and furthermore, the Conservation Commission, through an Order of Conditions, will further address additional protections to jurisdictional areas on Site.
15. The Board finds that the Applicant has cooperated with the Board in the design of adequate landscape buffer through plantings and fence screening.
16. The Board finds that the illumination of the proposed lighting for the development shall not trespass on to abutting properties. Any exterior building and street 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.
17. The Board has determined through detailed analysis of the following documents that the Project has adequate access:

- a) An Easement that stipulates the applicant's ability to pass and repass on Sunken Meadow Road to access the Property.
- b) The Sight Line Plan submitted by the applicant and further reviewed by the Board's peer review engineer demonstrated general conformance with industry standards and reasonably quantifies existing/baseline traffic conditions, traffic generation characteristics for the site/use, and traffic impacts/operations at the site driveway and nearby street intersection. Further analysis from peer review confirmed appropriate sight lines and offered further recommendations that are conditioned herein.
- c) The existing conditions plan of Sunken Meadow Road which was determined to provide sufficient width and surface material for the proposed use.
- d) The Approved Plan which depicts a driveway from Sunken Meadow Road which was determined to provide sufficient width for the proposed use.
- e) The Fire Truck Turning Radius Plan which depicts adequate emergency service access.

Additionally, while not a subdivision, the Town of Bellingham historically seeks a second full egress, preferably not on the same road wherever practicable, when a development of more than 12 units are proposed. During the hearing, the Board requested the Applicant seek a second full egress. The Applicant determined that a second full egress was not practicable.

The Site is located in the Town of Bellingham but is accessed exclusively through the Town of Franklin via Sunken Meadow Road. The ZBA is unaware if the Town of Franklin has reviewed the extension of Sunken Meadow Road to the Bellingham line. If approval is necessary from the Town of Franklin, the Applicant will be responsible to obtain the same from the Town of Franklin.

- 18. The Board finds that, as proposed, the Project is inconsistent with certain local planning standards. However, the Board finds that the proposed scale and density is in kind with that of the surrounding neighborhoods as depicted in the aerial plan view provided. In addition, the Applicant has modified the proposal to meet the State standards and has cooperated with the Board and the Board's peer review request to meet local standards to the maximum extent practicable.
- 19. A waiver from the local Wetlands Protection Bylaw has been requested by the Applicant as part of the Comprehensive Permit Application submitted to Zoning Board of Appeals. The Board has reviewed the request and has provided input to the Conservation Commission who concurrently shall consider a grant of waiver as part of an Order of Conditions.

The Applicant has requested and been granted waivers to the local by-laws in the following areas. These waivers have potential to cause adverse impacts, and as such appropriate provisions are codified into the Town of Bellingham's local by-laws. Because the comprehensive permit process provides that the applicant need only ascribe to less protective state level regulations, the Board concluded to grant the following waivers, even though these waivers have the potential to cause adverse local impacts.

Specifically, the Zoning Board of Appeals grants the following waivers to the local Wetland Protection Bylaw and local Zoning Bylaw:

- a) §247-1.D.(2), 100-foot undisturbed buffer requirement,
- b) §247-1.D.(5), 50-foot buffer requirement,
- c) §247-23, vegetation inventory and in-kind replacement,
- d) §247-33.B.(7), to utilize the state's TP-40 volumetric standards,
- e) §247-33.B.(8), local stormwater volume mitigation requirement,
- f) §247-29.C.(13), existing tree inventory for jurisdictional areas,
- g) §247-33.C.(13), tree inventory for upland areas,
- h) §245-13C.(3) to allow catch basins identified as 1, 3, 6 and 7 to be sited within 10 feet of driveways,
- i) §245-13C.(3) curb inlet detail has been changed from granite to concrete,
- j) §245-13D, Detention Basin local standards and the requirement to file a separate stormwater management permit,
- k) §245-13F, Roadway Subdrain local standards for frequency of test pits along a roadway,
- l) §240-37 Number of Buildings on a Lot,
- m) §240-40 Intensity of Use Schedule for the reduction in lot area and setbacks.

The above waivers were specifically defined during the hearing process. The Board finds that the Project is designed to meet the local standards where practicable and therefore applicable requirements of the local wetlands bylaw, subdivision regulations and local zoning bylaw are hereby waived where not specifically granted only if such waiver is required to comply with the approved plans.

20. The Board finds that the conditions imposed in the following section are necessary in order to properly address the local concerns and mitigate impacts related to the construction and occupancy of the project. The Board finds that such conditions will not render the project uneconomic.

**C. DECISION**

Based on the above determinations, the Zoning Board of Appeals finds that the proposal meets the requirements of Massachusetts General Law chapter 40B §20-23, and by a vote of 4 to 1 in favor, accordingly, grants the Applicant and its successors and assigns as owner of the premises, a Comprehensive Permit with the Conditions as set forth herein:

1. This Approval is limited to the improvements as noted on the Approved Plan and as may be conditioned herein. In the event the Applicant seeks any change in the Comprehensive Permit after this decision is final, any such change must be presented to the Board for approval and for modification of this decision. Within 20 days the Board shall determine and notify the Applicant whether it deems the change substantial or insubstantial, with reference to the factors set forth at 760 CMR 56.07(4).) If the change is determined to be insubstantial or if the Board fails to notify the Applicant by the end of such 20-day period, the Comprehensive Permit shall be deemed modified to incorporate the change. If, during a public meeting, the Board deems a change to be substantial, then the Board shall hold a subsequent public hearing within 30 days of its determination and issue a decision within 40 days of termination of the hearing, at which the Board may approve or disapprove the requested modifications or amendments to this decision, in accordance with the provisions of Mass. Gen. Laws c. 40B, section 21, the provisions of 760 CMR 56.05 (11). The Board will determine whether additional information and advice is necessary from other boards and officials in the event of such substantial change and will then determine whether the change or requested relief is to be approved and the decision amended accordingly. "Substantial Change" for the purposes of this paragraph shall include, but not be limited to, all matters defined as substantial changes in 760 CMR 56.07(4). If it deems necessary, the Board may at the Applicant's expense retain consultants to review and advise the Board regarding any proposed changes.
2. No grading, land disturbance, issuance of any building permit or construction of any structure or infrastructure shall commence until the Project receives final approval from the subsidizing agency and evidence of said approval is provided to the ZBA.
3. An affordable restriction and regulatory agreement shall be signed with the Subsidizing Agency and the Town and shall be recorded at the Norfolk Registry of Deeds prior to the issuance of any certificate of occupancy. As required by law and the Subsidizing Agency, the Applicant shall be a limited dividend organization and comply with the limited dividend requirements of M.G.L. ch. 40B, §20 and otherwise limit its profits as required under M.G.L.



ch. 40B (as determined by the Subsidizing Agency) and any excess profits shall be paid by the Applicant and distributed as required by the Subsidizing Agency and in accordance with applicable law, regulations and/or guidelines.

4. The Applicant shall enter into a Permanent Restriction/Regulatory Agreement with the Town, in a form and substance reasonably acceptable to the Board and its counsel (the "Town Regulatory Agreement"), which shall be recorded with the Norfolk County Registry of Deeds prior to issuance of any building permit and signed by all necessary parties, including all mortgagees and lien holders of record and shall be in force in perpetuity. The Town Regulatory Agreement: (i) shall only become effective if and when the Regulatory Agreement with the Subsidizing Agency is terminated, expires or is otherwise no longer in effect and is not replaced with another regulatory agreement with another Subsidizing Agency; (ii) shall require that the Project shall remain 25% affordable so long as the Project does not conform to local zoning; (iii) shall require that at least 25% of the units in the Project shall be affordable as that term is defined in M.G.L. Chapter 40B, §20-23; and (iv) shall restrict or limit the dividend or profit of the Applicant only if and as required under M.G.L. c.40B and 760 CMR 56.00, et seq., and no independent limitation on dividends or profits is imposed hereunder.
5. This Decision shall be recorded at the Norfolk Registry of Deeds. This Decision shall become effective upon recording. Proof of recording shall be forwarded to the ZBA and the Building Inspector prior to issuance of a building permit or the start of construction.
6. This Decision permits the construction, use, and occupancy of a maximum of 28 detached single-family condominium homes on the Site. The construction and occupancy of the Project shall be in substantial conformity with the Approved Plan, and there shall be no further division or subdivision of the Site, or the creation of additional housing units or any other structures or infrastructure except that which is shown on the Approved Plan without further approval of the ZBA in the form of an amendment to this Decision and pursuant to statutory requirements applicable at the time and in accordance with the terms and conditions of this Decision.
7. The Project shall designate not less than twenty-five percent (25%) of the units for qualifying households earning at or below 80% of the area median income, as defined and amended from time to time by the subsidizing agency for this project. Per the subsidizing agency's rules and guidelines, the affordable units shall be evenly dispersed throughout the Project and shall be indistinguishable from the market rate units in the Project. The affordable units shall remain affordable in perpetuity by deed riders in form and

substance acceptable to the subsidizing agency and the Board for the Project.

The Applicant shall notify the Board when building permits are issued for and cooperate with the preparation of request forms to add the units to the Town's SHI. The Affordable Units shall permanently remain affordable units, for so long as the Project is not in compliance with the Town's Zoning By-law, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under M.G.L. c. 40B, § 20-23.

8. To the extent allowed under M.G.L. c. 40B and the regulations promulgated thereunder and other applicable law, the Applicant shall provide a preference category for Bellingham residents, and their parents and children, and for employees of the Town of Bellingham in the initial sale of the Affordable Units. This preference shall be implemented by the Applicant and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the Town for compliance with the local preference set forth herein, to the extent such local preference has been allowed by the Subsidizing Agency. The foregoing local preference shall be implemented pursuant to procedures approved by the Subsidizing Agency. The costs associated with the marketing of units in the Project, including the advertising and processing for the Affordable Units shall be borne by the Applicant.
9. Prior to commencement of construction the developer shall furnish guarantees to the Zoning Board of Appeals as provided in the Subdivision Regulations that except as otherwise expressly provided in M.G.L. c. 41, Section 81-U, 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 in lieu of completion has been accepted by the Zoning Board of Appeals. 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.
10. In order to confirm adequate access to Bellingham the Applicant shall, prior to the first building permit, construct the private driveway binder course from the edge of Sunken Meadow Road to the Bellingham town line as shown on the Approved Plan.

11. A comprehensive signage plan shall be presented to the Board for approval prior to Building Permit for the Site signage including but not limited to monument signage and wayfinding signage.
12. Prior to issuance of a building permit, the Applicant shall provide to the Town Planner and Conservation Agent a final Stormwater Pollution and Prevention Plan to address specific sedimentation, erosion and dust control, which illustrates, at a minimum, locations of measures and provide detailed construction sequencing.
13. 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.
14. 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.
15. The hours of operation for any construction or staging activities on-site shall be Monday through Friday, from 7:00 am to 6:30 pm. Construction activity shall also be permitted on Saturdays from 7:00 am to 5:00 pm; provided however that such activity shall be limited to interior work only. 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.
16. All construction related parking shall be conducted on-site. No parking of any vehicle associated with the Project shall park on Sunken Meadow Road including those vehicles arriving early. There shall be no staging of vehicles on Sunken Meadow Road. All vehicles associated with the Project shall enter in to the temporary construction entrance and park within the construction fencing at all times.
17. During construction, no run-off shall be directed down the proposed driveway onto Sunken Meadow Road or onto abutting properties. The Applicant shall maintain any drainage or sediment controls in good working order and maintain the construction site free of dust that would create a hazard or nuisance to adjacent properties. In addition, the Applicant shall require trucks hauling debris to be covered and wet down as required to minimize dust. Spillage on roads shall be cleaned up immediately, and overloading trucks, which may contribute to spillage on haul roads, is prohibited.

18. If construction activity ceases for longer than 30 days, then written notice shall be provided by the Applicant to the Building Commissioner at least 48 hours before resuming work. Pursuant to 780 CMR 33 Safeguards during Construction and applicable states, 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.
19. If construction is temporarily suspended 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.
20. Utilities within the Site, including but not necessarily limited to electric, cable and telephone, shall be located underground.
21. 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
22. 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.
23. Prior to the issuance of the first occupancy permit the Applicant shall petition the Town of Franklin to seek the installation of a stop sign at the intersection of Sunken Meadow Road and Pine Street. In addition, the Applicant shall request the Town of Franklin trim all vegetation within the Pine Street right of way that may enhance sight lines for vehicles on Sunken Meadow Road and/or Pine Street.
24. The Applicant or its successors, shall maintain and repair the drainage structures and stormwater management system on the Site as shown on the Plan. The Stormwater Management Operation and Maintenance Plan (O&M), dated August 21, 2019, 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.
25. Common elements of the Site, including but not limited to driveways, utilities, fencing, landscaping, detention basins, and other stormwater controls that are

in common ownership or shared by more than one unit shall be subject to condominium documents or an agreement identifying the common shared elements and defining the rights, duties and obligations, including but not limited to operation, maintenance and management. A copy of the condominium documents or agreement shall be provided to the Zoning Board of Appeals prior to commencement of construction and shall be subject to the prior review and approval of the ZBA and Town Counsel as to form and completeness with approval not to be unreasonably withheld and shall be recorded with the Norfolk County Registry of Deeds prior to the issuance of an occupancy permit.

26. Snow and ice removal shall be the responsibility of the Applicant or a successor and in accordance with the approved O&M.
27. Fertilizers containing phosphorous are prohibited and shall not be used with in the site.
28. The Applicant and/or the Condominium Association/Homeowners Association shall be permanently responsible for the following at the Project: 1) all plowing, sanding, and snow removal; 2) all site maintenance and establishing a regular schedule for site maintenance; 3) repairing and maintaining all on-site ways, including drainage structures and utilities therein; 4) conducting annual inspection, maintenance and cleaning of all elements of the drainage system, including but not limited to catch basins, drain manholes, detention basins, swales and pipelines; and site lighting and landscaping.
29. 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.
30. 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.
31. Applicant shall pay for the Town's cost of Police and Fire details for the Project, if any.

32. With respect to the work to be done by the Applicant on the private way within the Site, no Certificates of Occupancy shall be issued by the Town until the Applicant has fully completed all site drainage and utility work appurtenant to any portions of the Site for which an occupancy permit is to be issued.
33. As stated by the Board and agreed to by the Applicant, the internal roadways, utilities, drainage systems and all other infrastructure shown in the Plan shall remain private. The Town of Bellingham shall not have, now or ever, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal and trash collection.
34. Prior to the issuance of any occupancy permit, the Applicant shall provide to the Board evidence of the security required to be provided to MassHousing.
35. Prior to commencing construction of the Project, the Applicant shall submit a fully executed copy of a Monitoring Service Agreement to the Board.
36. To ensure compliance with the Regulatory Agreement and the requirements of the Comprehensive Permit, the Applicant shall, provide a copy of the cost certification to the Board.
37. This Decision is binding on the Applicant's successors, assigns, agents, and employees. This approval shall insure to the benefit of and binding upon Hidden Meadow II Realty Trust provided there is no change in use for the Premises. The Zoning Board of Appeals shall be notified in writing of any changes in affiliates and successors in title and additional users of the Premises.
38. Any change of use shall require a public hearing to either modify the existing Decision or to issue a new Decision.
39. The Applicant shall comply with §240-16B(5) and (6) regarding As-Built Plans and follow the policies of the As-Built handbook. An as-built plan shall be provided to the Department of Public Works for review and certification prior to the final occupancy permit for the Project.
40. 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.
41. If at any time it appears that the Applicant is in violation of an affordable housing restriction, then the Board may pursue such enforcement rights as it may have under the affordable housing restriction and/or applicable law.

42. The Town, by and through the Board, Building Department, or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Decision.
43. This Comprehensive Permit shall lapse if the Applicant does not commence construction within three (3) years of the date it becomes final (which is the date this Decision is filed with the Town Clerk if 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). The Zoning Board of Appeals may authorize an extension of the three (3) year period under the applicable state regulations. Construction shall be completed within five (5) years of this Permit taking effect. No phasing of this Project shall take place without the prior approval of the Zoning Board of Appeals.
44. 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.

**D. RECORD OF VOTE**

I vote to **APPROVE** the **BURTON WOODS COMPREHENSIVE PERMIT DECISION**.

**Bellingham Zoning Board of Appeals**

**January 2, 2020**

Brian Wright  
Brian Salas

AS Ph  
Robert L. L.

Appeals of this Decision may be made within <sup>twenty</sup>~~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 January 3, 2020

Lawrence J. Sposato, Jr.  
Bellingham Town Clerk