



# BELLINGHAM PLANNING BOARD

10 MECHANIC STREET TOWN OF BELLINGHAM  
BELLINGHAM, MASSACHUSETTS 02019  
(508) 657-2892 2018 SEP 28 AM 8:24  
[PlanningBoard@bellinghamma.org](mailto:PlanningBoard@bellinghamma.org)

DECISION  
TOWN OF BELLINGHAM

September 27, 2018

## 24 WILLIAMS WAY LOT 2 DEVELOPMENT PLAN AND STORMWATER MANAGEMENT PERMIT DECISION

### A. BACKGROUND

Applicant: Theory Farms LLC  
38 Montvale Avenue, Suite 210  
Stoneham, MA 02180

Owner: William Way Partners, LLC  
24 William Way  
Bellingham, MA 02019

Public Hearing: The Public Hearing opened Thursday, August 23, 2018 at 7:00 PM. Notice for the public meeting was published in the Milford Daily News on Thursday, August 9, 2018 and August 16, 2018.

The Public Hearing was continued to September 13, 2018 and September 27, 2018, when the Public Hearing was closed.

Date of Vote: September 27, 2018.

The Premises: The 8.78  $\pm$  acre site is located at 24 William Way, Assessors Map/Lot Number 48-15 in an Industrial zone, also referred to herein as the "Site."

The By-Law: Section 240-16 Development Review Approval and Section 240-54 Stormwater Management

The Proposal: The proposal requests the ability to construct a 50,000 square foot marijuana cultivation facility as well as associated improvements to the Site (the "Project"), as shown on the plan entitled Site Development Plans for Proposed Cultivation Facility William Way Partners, LLC and Theory Wellness, LLC, by Bohler Engineering, last revised September 21, 2018, also referred to herein as the "Plan".

Additional permits/approvals issued herewith for the project include: Marijuana Cultivation Special Permit.

The Proposal was documented with the following materials:

1. Application for Development Plan, received August 2, 2018
2. Application for Marijuana Cultivation Special Permit, received August 2, 2018
3. Application for Stormwater Management Permit, August 2, 2018
4. Site Development Plans for Proposed Cultivation Facility William Way Partners, LLC and Theory Wellness, LLC, by Bohler Engineering, last revised September 21, 2018
5. Certified Abutters List, Town of Bellingham, dated July 23, 2018
6. Project Narrative and Project Description, Bohler Engineering, dated July 31, 2018
7. Elevations and Floor Plans, by Priggen Steel, dated July 30, 2018
8. Waiver List, Bohler Engineering, dated September 5, 2018
9. Traffic Report, by Ron Müller and Associates, dated July 25, 2018
10. Stormwater Pollution Prevention Plan for Construction Activities, by Bohler Engineering, dated September 4, 2018
11. Planning Board Staff Memo, by James Kupfer, Town Planner, dated August 8, 2018
12. Email Comments, by Don DiMartino, DPW Director, dated August 7, 2018
13. Email Comments, by Board of Health Agent Mike Catalano, dated August 21, 2018
14. Peer Review of Stormwater and Traffic Impacts, by BETA, dated August 20, 2018
15. Response to Peer Review Comments, by Bohler Engineering dated September 5, 2018
16. Peer Review of Stormwater and Traffic Impacts, by BETA, dated September 10, 2018
17. Drainage Report for 24 William Way, by Bohler Engineering, last revised September 4, 2018
18. 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 made the following determinations:

1. The Applicant proposes a 50,000 square foot cultivation facility at the rear of 24 William Way which will be serviced by a new road entitled "Industrial Drive" as shown on the Definitive Subdivision Plan.
2. That the Planning Board reviewed traffic impacts to the neighborhood. It was determined that approximately 74 vehicle trips would occur daily. Of those trips all

are employee or small trucks trips. The product cultivated will be shipped weekly by small vans.

3. The Applicant expects to have no more than 90 employees. At no time would all 90 employees be on the Site. Weekends would have a diminished employee count.
4. The Bellingham Zoning Bylaw requires 100 parking spaces. The Applicant is proposing 107 parking spaces.
5. Typical hours of operation are 5:30 a.m. to 9:00 p.m., seven days a week and most vehicular traffic is anticipated during those hours.
6. That the Site is not located within the Water Resource District.
7. The Plan meets the performance requirements of this By-Law (e.g. Article IX Environmental Controls, Article X Parking and Loading Requirements, Article XI Landscaping Requirements) either by-right or by relief granted under this Permit. The relief granted herein is based upon evidence provided to the Board during the hearing. Any future changes to the Plan are subject to and must comply with the requirements of this Decision or must receive approval of the Board under a request for amendment to this Decision.
  - a. Section 240.49 Light and Glare: Security and Parking Lot lighting is proposed and is illustrated on the photometric plan provided. While the photometric complies with the Zoning Bylaw this decision shall be further conditioned to confirm dark sky standards are enforced. Any additional exterior lighting added shall be submitted to the Town Planner for his review to confirm compliance with the Zoning Bylaws.
  - b. Section 240.50 Air Quality: There will be no manufacturing within the Site. The proposal does involve emission of odorous gases; however the Applicant proposes to mitigate the odorous emissions in order for such quantities to not be offensive. The Applicant proposes to complete this through industry best practices and filtration systems as defined in the project proposal. Air quality is further conditioned in order to assure emissions shall not be in such quantities that are offensive to abutting properties.
  - c. Section 240.51 Hazardous Materials: No hazardous materials, as defined in this section, are proposed to be used or stored on Site, except as customarily used or stored as part of the proposed use in compliance with law.
  - d. Section 240.52 Vibration: The Applicant does not propose any use that produces vibration which is discernible to the human sense of feeling (except as sound) at or beyond the boundaries of the premises for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for 30 seconds or more in any one hour

between 9:00 p.m. and 7:00 a.m.

- e. Section 240.53 Electrical Disturbance: No electrical disturbance is proposed or will be permitted which adversely affects the operation of any equipment other than that of the creator of such disturbance.
- f. Section 240.54 Stormwater Management: The stormwater management shown on the Plan and drainage analysis has been designed to meet the Stormwater Management Standards set by Massachusetts Department of Environmental Protection and the Bellingham Zoning Bylaws. The standards include removing solids from the stormwater, reducing the rates of runoff from the site, and recharging the groundwater.
  - i. Waiver Request for 245-13.C(3) – Curb inlets shall be provided at every catch basin. Curb inlets shall be granite.
  - ii. Waiver Request for 245-13D(1) – Bain shall be sited on an independent lot.
  - iii. Waiver Request for 245-13D(2)(b) – Deep test shall be made between February 15 and May 15
- g. Section 240.58 Noise: The use proposed on the Site was determined to not add noise concerns as all activities are conducted indoors and are sited with in an industrial area.

8. For the given location and type and extent of land use, the design of building form, building location, egress points, grading, and other elements of the development could not reasonably be altered to:

- a. Improve pedestrian or vehicular safety within the site and egressing from it as circulation has been reviewed by the Planning Board and Emergency Services and was deemed adequate and improved from the existing conditions;
- b. Reduce the visual intrusion of parking areas viewed from public ways or abutting premises by preserving vegetative buffers and the proposed access driveway has been kept to the minimum practicable width and perimeter landscaping has been added;
- c. The Site has been graded to match the cuts and fills as much as possible and it is not anticipated that an Earth Removal Special Permit will be required;
- d. Existing vegetation along the frontage of the Site is to be preserved and added as shown on the Plan;
- e. The project has been designed to comply with the DEP Stormwater Handbook and the Bellingham Zoning Bylaws. A Stormwater Report has been prepared including an Operation and Maintenance Plan consistent with the Town of Bellingham requirements.
- f. The stormwater system has been designed to manage any increase in stormwater runoff and is contained entirely on site and is subject to further

review, as conditioned herein.

9. Adequate access is provided around the facility for fire and service equipment and has been reviewed and approved by emergency services.
10. Adequate utility service and drainage is provided. The Board of Health Agent witnessed the test pits and deemed the soils uniform throughout the Site.
11. Projected peak hour traffic will not increase in the study area by 25% or more above levels otherwise anticipated at the time of occupancy.
12. No zoning violations are observed.

**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 4 in favor and 0 opposed, accordingly, grants the Applicant and its successors and assigns as owner of the premises, Development Plan and Stormwater Management Permit Approval in accordance with the approved plan subject to the following conditions:

1. This Approval is limited to the improvements as noted on the Approved Plan, and as may be conditioned herein. Any changes to such Plan must be reviewed and approved in accordance with the Bellingham Zoning Bylaws. 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 Plan does involve emission of odorous gases; however the Applicant proposes to mitigate the odorous emissions in order for such quantities to not be offensive or violate any Board of Health regulations adopted pursuant to MGL Chapter 111, Section 31C, including but not limited to those specified for odors. The Applicant proposes to complete this through industry best practices and building filtration systems as defined in the project proposal. However, due to unknown circumstances and potentially unforeseen odorous impacts, in order to assure that emissions shall not be in such quantities that are offensive to abutting properties, the Applicant shall provide an independent assessment three months after the issuance of the Certificate of Occupancy for the facility. The assessment shall include an independent air quality report identifying type and location of any potential odorous emission which could be discharged to the ambient air. This report shall include a recommended action plan to remediate odorous emissions which have the potential to be discharged beyond the property line of the Site. This report shall be provided to the Planning Board for review four months from the date of Certificate of Occupancy. The Applicant shall have 30 days to remediate the odorous emissions identified. Failure to comply with this condition shall be considered a violation of Bellingham

Zoning Bylaw §240-50, Air Quality, and may result in a fine, zoning enforcement action, or any other remedy available to the Town. Each day that such violation continues shall constitute a separate offense. Ongoing monitoring reports shall be submitted annually to the Planning Board in compliance with this condition.

3. The Site shall not create a nuisance to abutters or to the surrounding area, or create any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent, or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area. Violation of this permit shall entitle the Planning Board to notice a public hearing to consider the modification, suspension or revocation of the special permit.
4. The roadways and infrastructure depicted on the Plans shall be maintained by the Applicant or a successor in perpetuity. Industrial Drive, as depicted on the Approved Plan, shall be a private way in perpetuity.
5. Snow and ice removal shall be the responsibility of the Applicant or a successor. Snow and ice removal shall be undertaken as soon as is practicable after a snowfall and shall not impede or obstruct the roadway or the sight lines thereon and so as not to impeded or obstruct the hydrants.
6. In accordance with the Bellingham Department of Public Works, any and all access and utility easements that may be necessary to complete and occupy the Project shall be in a form approved by the Town Counsel prior to the issuance of the Certificate of Occupancy, such approval not to be unreasonably withheld.
7. Prior to the issuance of the Certificate of Occupancy, a separate utility and access easement shall be granted by the Applicant to the Town for the purpose of a utility connection from William Way to Town owned land to the east of the Site, identified as Parcel 48-3. Such easement shall be in a form approved by Town Counsel, such approval not to be unreasonably withheld.
8. Exterior building and parking lot 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 Bylaw. Shielding shall be installed and be subject to the approval of the Building Inspector prior to the issuance of a Certificate of Occupancy.
9. Sediment and Erosion controls shall be installed and be subject to the inspection and approval by the Town Planner prior to commencement of construction.
10. 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 designated inspector shall be permitted to conduct routine

inspections, as may reasonably be determined by said inspector while construction is ongoing relative to this permit and all corresponding Decisions for this Site. The Applicant is required to provide said inspector with any and all requested logs, as-built plans, surveys, and other related items and abide by any reasonable directives or requirements of said inspector with respect to construction of this Project. 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.

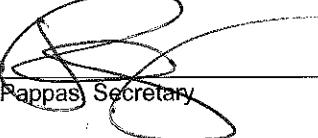
11. The Planning Board, DPW's representative and Town Counsel may require reasonable fees for any services contemplated hereunder which shall be paid by the Applicant in the manner prescribed by M.G.L. c. 44 §53G. The Applicant shall also pay for all third party inspections of project infrastructure, as may be reasonably required by the DPW or the Planning Board or DPW's representative.
12. As used herein, "commencement of construction" is hereby defined as any clearing or preparation of the Site for development of the project approved herein.
13. This Decision shall be binding upon Theory Farms LLC and its successors, transferees and assigns, as well as any other tenant, purchaser or user of the Site or any portion thereof. This permit may not be assigned or conveyed to any other entity without the prior approval of the Planning Board, such approval not to be unreasonably withheld.
14. All determinations, Decisions, and conditions set forth within the Marijuana Cultivation Special Permit, dated September 27, 2018 are hereby incorporated herein. Any violation of such conditions shall constitute a violation of this Permit.
15. This Decision shall not be effective until it is recorded by the Applicant in the Registry of Deeds, with proof of such recording to be supplied to the Board and the Building Commissioner.

**D. RECORD OF VOTE**

I vote to **APPROVE** the **24 WILLIAM WAY LOT - 2 DEVELOPMENT PLAN APPROVAL AND STORMWATER MANAGEMENT PERMIT.**

Bellingham Planning Board

**September 27, 2018**

  
\_\_\_\_\_  
William F. O'Connell Jr., Chairman  
  
\_\_\_\_\_  
Peter C. Pappas, Secretary

  
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Brian T. Salisbury, Vice Chairman  
  
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Dennis J. Trebino

Russell Lafond

Appeals of this Decision may be made within thirty days, in accordance with the provisions of G.L. c 40A, §15

This Decision, together with all plans referred to in it, was filed with the Town Clerk on September 28, 2018.

  
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Ann Odabashian  
Bellingham Town Clerk



**TOWN OF BELLINGHAM**  
OFFICE OF  
TOWN CLERK

Bellingham Municipal Center  
10 Mechanic Street  
Bellingham, MA 02019

Town Clerk  
Ann L. Odabashian

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

DATE October 29, 2018

TO: Bellingham Planning Board

RE: Theory Farms LLC

24 Williams Way

This is to inform you that 30 days have elapsed since September 28, 2018, the date the above was filed with the Town Clerk, and that no notice of appeal has been filed with this office during that period.

A certified copy attesting this is available and on file in this office.

Sincerely,

Ann L. Odabashian  
Bellingham Town Clerk