



BELLINGHAM PLANNING BOARD

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BELLINGHAM, MASSACHUSETTS 02019
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September 27, 2018

24 WILLIAMS WAY LOT 2 MARIJUANA CULTIVATION SPECIAL PERMIT 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 240-31, Use Regulation Schedule of the Bellingham Zoning Bylaws.
- 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: Development Plan and Stormwater Management 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, Inc. 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. The Applicant expects to have no more than 90 employees. At no time would all 90 employees be on Site.
3. The Bellingham Zoning Bylaw requires 100 parking spaces. The Applicant is proposing 107 parking spaces.
4. 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.
5. The Planning Board reviewed the Proposal with regard to criteria set forth in §240-25 of the Zoning Bylaw and determined that:
 - a. The use is an allowed use by Special Permit in an industrial district. The Town of Bellingham held a referendum and town meeting vote in 2018 that authorized this use only in industrial districts by Special Permit before the Planning Board.
 - b. 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.
 - c. There are currently adequate utilities on site for the proposed use and the proposed use will improve water quality existing conditions.
 - d. The qualities of the natural environment were considered during stormwater and drainage analysis and efforts were made to improve upon existing vegetation and stormwater recharge where possible.
 - e. The potential fiscal impact to the Town of Bellingham would be positive. Revenue shall be collected from a new use and the Board of Selectmen have executed a Host Community Agreement.

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 5 in favor and 0 opposed, accordingly, grants the Applicant and its successors and assigns as owner of the premises, Permit Approval 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.

2. This Decision authorizes the proposed use, subject to the conditions hereof. Except as may be otherwise permitted herein, any change of use shall be reviewed by the Planning Board as a major modification and shall be subject to a public hearing.
3. 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.
4. All determinations, Decisions, and conditions set forth within the Development Plan and Stormwater Management Permit dated September 27, 2018 are hereby incorporated herein. Any violation of such conditions shall constitute a violation of this Permit.
5. 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 MARIJUANA CULTIVATION SPECIAL PERMIT.

Bellingham Planning Board

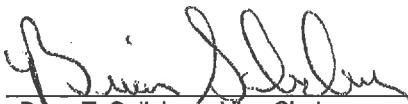
September 27, 2018



William F. O'Connell, Jr., Chairman


Peter C. Pappas, Secretary


Russell Lafond
Phil Devine



Brian T. Salisbury, Vice Chairman


Dennis J. Trabino

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 28, 2018.



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 19, 2018

TO: Bellingham Planning Board

RE: Theory Farms LLC

24 William Way

This is to inform you that 20 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