

Selectmen Minutes 06/26/2017

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June 26, 2017

The regular meeting of the Board of Selectmen was called to order at 7:00 PM by Chairman Soter with all members in attendance.

Mr. DiMartino: Eminent Domain Taking – Silver Lake Road Permanent Drain Easement

Mr. DiMartino stated the Eminent Domain Taking scheduled for this evening will not be required noting the property owners recently signed the Grant of Permanent Drain Easement which will provide them \$620. Mr. DiMartino explained the Grant of Easement between the Town and David & Janet Halloway owners of property at 54 Silver Lake Road would allow for drainage improvements.

On a Martinis/McNulty motion, the Board unanimously voted to sign the Grant of Easement as presented by Mr. DiMartino.

Mr. DiMartino stated we continue to have issues with the streets that were chip sealed. He stated he is in the process of getting a price to apply a water based rubberized sealant (micro seal) to these roads noting this is a common technique which is currently being used in Foxboro. Subject to the Board's approval, it is expected this work will be scheduled in early to mid-July. Mr. DiMartino stated this is believed to be the most cost effective solution and can be paid from the transportation bond. Approximate cost would be \$200,000.

On a Spencer/Connor motion, the Board unanimously voted to authorize Mr. DiMartino to go forward with the micro seal process.

Mr. Soter stated items scheduled for 7:10 PM – Mr. Devine & 7:30 PM - Kimberly Cohen are rescheduled for the Board's July 10th meeting.

Public Hearing – application of General Equities, Inc. to amend its Special Permit with proposed modification/expansion of existing self-service gas station, 18 North Main St.

Mr. Soter read the public hearing notice.

Present for this hearing were Marc Belanger of Bohler Engineering and Peter Belanger of General Equities.

Marc Belanger stated General Equities is proposing the renovation of Citgo gas station located at 18 North Main St.

He stated the proposed modification of the Special Permit will be to include one additional fuel dispenser and noted there wouldn't be any change to the amount of fuel storage.

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Peter Belanger stated the old tanks will be removed and the existing building will be partially removed and remodeled, with expanded parking, landscaping and improved circulation. The existing fueling canopy will be removed and replaced.

Marc Belanger stated they met with the Planning Board and received approval.

Mr. Soter asked if there was anyone present who wished to speak on this hearing. No one responded.

On a Spencer/McNulty motion, the Board unanimously voted to close the public hearing.

On a Martinis/Spencer motion, the Board unanimously voted to approve the application of General Equities, Inc. to amend its Special Permit by adding one (1) additional fuel dispenser (as shown on a plan dated February 22, 2017) on file with the Board of Selectmen.

Mr. Mandile – RE: marijuana dispensary

Stephen Mandile, speaking for Evergreen Farms, brought forward the marijuana dispensary request. Also present were Ben Smith, CEO of Evergreen Farms and Sam Tracy from 4Front Advisors. Mr. Mandile stated he is a military veteran injured in Iraq which began an addiction to prescription opioids. He went on to state that he started using medical marijuana; and as a result, it has been two years since he last used an opioid. Mr. Mandile stated he is dedicated to helping individuals with their addiction or possibility of addiction, with an emphasis on veterans.

Mr. Spencer stated that while he commends Mr. Mandile for his dedication, and although he doesn't question medical marijuana benefiting people, he has received too much push back from residents to support this facility.

Mr. Martinis stated he received favorable feedback for such facilities dispensing of medical not recreational marijuana. He noted there would have to be educational outreach regarding security measures at such a facility. He added he would be in favor of this request.

Mrs. McNulty asked about the dispensing process. Mr. Mandile stated patients are given a prescription. They in turn register with the State to receive a Medical Use of Marijuana Program card. When going to the dispensary, the qualified patient is required to show their MUMP card as well as an additional form of ID. He also noted the marijuana would be kept in a vault. The program is regulated by the Mass. Dept. of Public Health which requires federal background checks for all employees and board members. Products are strictly regulated and tracked by the State and there are stringent security and operation requirements.

Mr. Connor asked why Mr. Mandile chose the Town of Bellingham to locate this dispensary. Mr. Mandile stated he grew up in Bellingham and he is hoping to move back with his family. Mr. Connor questioned whether a medical marijuana dispensary in Bellingham could earn enough money to continue operation.

In the hand-out presented this evening, it was noted that Evergreen is currently focused on medical products and serving patients' needs. Mr. Smith was asked about the

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possibility of dispensing recreational marijuana in the future. Mr. Smith stated it would be a consideration. Mr. Soter asked if Evergreen Farms would be willing to consider a grow facility rather than a dispensary. He went on to state that this would allow Evergreen Farms to get established and noted there are buildings available in Bellingham that have industrial zoning.

Evergreen Farms representatives stated they would be agreeable to this change and would look for a letter of non-opposition from the Town.

On a Spencer/McNulty motion, the Board voted to grant Evergreen Farms a letter of non-opposition from the Town for a grow facility. Mr. Connor abstained; all other members voted in the affirmative.

Dog Park Update

Mr. Soter asked Mr. Fraine to provide an update on the status of the proposed dog park on High Street. Mr. Fraine informed the Board that he had appeared before the Softball Association Board of Directors on three different occasions over the last six months. Mr. Martinis attended one of those meetings and Mr. Kupfer attended two. At this time, the Softball Association has presented the Selectmen with a letter detailing their concerns with the proposed dog park and why they believe it is not suited for the proposed location. Mr. Martinis stated his disagreement with the assertions made by the association. Mr. Martinis contends parking will only be impacted three weekends per year when the association conducts tournaments. During these tournaments the Town has agreed to close the dog park due to limited parking. Mr. Martinis went on to state a lot of time, effort and money has been spent on the design of the dog park. The Board of Selectmen unanimously approved the site; and if the association had concerns, they should have addressed them last year when the project was first presented to them.

Andi Matczak & Lisa Elster, representing BGSA expressed their interest in seeing the Town look at alternative sites. Many residents associated with girls' softball have expressed their concerns with siting the dog park in the middle of the softball complex. Mr. Soter suggested Mr. Fraine, Mr. Kupfer and Mr. Martinis regroup to look at alternative sites and to put the High Street project on hold. All members agreed to pursue the examination of alternate sites.

On a Spencer/McNulty motion, the Board unanimously voted to accept the deed & easements for Damon Road per the 2017 Annual Town Meeting vote.

On a Martinis/McNulty motion, the Board unanimously voted to sign the Inter-municipal Agreement for Public Health Nurse Services between the Town of Bellingham and the Town of Upton.

On a McNulty/Connor motion, the Board unanimously voted to appoint Dan Spencer to the CIC.

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On a McNulty/Martinis motion, the Board unanimously voted to approve the following abatements: residential water, \$928.79; residential sewer, \$239.20; residential trash, \$186.94; municipal water, \$12,715.51 and municipal sewer, \$5304.98.

On a Martinis/Spencer motion, the Board voted 3-0 to approve the April 24th minutes. Mr. Connor and Mrs. McNulty abstained as they were not members of the Board at that time.

On a Spencer/McNulty motion, the Board voted 4-0 to approve the May 15th minutes. Mr. Martinis abstained as he wasn't present.

On a Martinis/Connor motion, the Board unanimously voted to approve the June 13th minutes.

On a Spencer/McNulty motion, the Board unanimously voted to approve the June 19th minutes.

On a Spencer/McNulty motion, the Board unanimously voted to ratify Mr. Fraine's reappointment of Cindy Souza & Tracey Taddeo, Animal Control Officers and James Kupfer, Town Planner/Zoning Compliance Officer.

On a Spencer/McNulty motion, the Board unanimously voted to reappoint position listed on the attached sheet with the exception of the following: Cemetery Committee, Conservation Commission, Town Counsel and ZBA.

After discussion on these positions, the following votes were taken:

On a Spencer/Connor motion, the Board unanimously voted to reappoint James Haughey to the Cemetery Committee.

On a Spencer/Soter motion, the Board voted 3-2 to reappoint Shawn Wade to the Conservation Commission with Mr. Connor and Mr. Martinis opposing.

No action was taken on Mr. O'Herron's reappointment.

With regard to Town Counsel, it was the Board's decision to go forward with a RFP for this position.

On a Spencer/Soter motion, the Board voted unanimously not to reappoint Brian Wright to the ZBA.

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On a Connor/McNulty motion, the Board unanimously voted to adjourn the meeting at 9:30 PM.

Respectfully submitted,

**Jacqueline A. Bokoski
Administrative Assistant**