

September 11, 2018

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

Public Hearing – Application of 110 Pulaski Blvd Bellingham LLC d/b/a Denny's Liquors, Samir P. Patel, Mgr. for the transfer of the Package Store All Alcohol License from S & B Bender, Inc. d/b/a Denny's Warehouse Liquors, Bellingham, Brian E. Bender, Mgr. and Pledge of License. Premises located at 110 Pulaski Blvd.

Mr. Soter read the public hearing notice.

Attorney Daniel Vieira of Vieira & DiGianfilippo represented the applicant. Mr. Samir Patel is a resident of Bellingham. He will be 100% manager of the establishment. He has 10 years of liquor store experience. He plans to renovate the property and bring in new product that will be a good fit to our residents. Mr. Soter asked Mr. Patel what kind of new product and would there be any smoking paraphernalia. Mr. Patel said for right now he would not bring anything like that to the store. It will remain a liquor store and not a convenient store. If and when he brings in new product he would follow the laws in Bellingham. Mrs. McNulty asked if the current staff would remain the same and Mr. Patel confirmed that it would. He said the current staff adds value to his store. Mr. Martinis asked what his work experience was and Mr. Patel stated his brothers and parents all own liquor stores.

Mr. Soter asked if there were any questions or comments from the audience on the public hearing to which there were none.

On a Connor/Martinis motion, the Board unanimously voted to close the public hearing. On a Martinis/Connor motion, the Board unanimously voted to approve the application of 110 Pulaski Blvd Bellingham LLC d/b/a Denny's Liquors transfer of package store and pledge of license.

Public Hearing – Application of Sol de Mexico Bar and Grille, LLC d/b/a Plaza Mexico, Jose Manuel Carranza Lopez, Mgr. for the transfer of the Restaurant All Alcohol & Common Victualler License from Plaza Mexico Restaurant 4, Inc. d/b/a Plaza Mexico Restaurant Bar & Grill, David Alvarez, Mgr. Premises located at 191 Mechanic Street Suite One.

Public Hearing – In accordance with Chapter 3.04 of the Town of Bellingham By-Law, for the permitting of a Weekday Entertainment License.

Mr. Soter read both public hearing notices as they related to same applicant. Attorney Rashi Mangalick represented the applicant Jose Manuel Carranza Lopez. Mr. Soter asked if the applicant owns any other restaurants in which he stated he does not. Rashi stated that Mr. Lopez has 5 years' experience managing restaurants. Mrs. McNulty asked what the hours of operation would be.

Rashi stated the applicant would like to extend the hours of operation to be as follows: 11AM to 10PM Sunday through Thursday and 11AM to 1AM Friday and Saturday due to the fact that they were applying for a weekday entertainment license and they will have DJ's Thursday through Saturday 6PM to close and Karoke Wednesday through Saturday 6PM – close.

On one Martinis/McNulty motion, the Board unanimously voted to close both public hearings.

On a Martinis/McNulty motion, the Board unanimously voted to approve the application of Sol de Mexico Bar and Grille, LLC d/b/a Plaza Mexico transfer of Restaurant All Alcohol & Common Victualler, change of hours and the addition of a Weekday Entertainment License.

Mr. Fraine spoke while the next presenter was setting up. Mr. Fraine announced that the Special Fall Town Meeting scheduled for October 10, 2018 would be opened but then continued on November 14th.

Kevin Lobisser – Downtown Residential Development Overlay District

**Please see attached materials*

Mr. Lobisser submitted the following as an overview of the project:

- As the case with the eight prior overlay districts that were created to address specific needs in the Town of Bellingham, the purpose of this overlay would be to establish a Downtown Residential Development Overlay District (DRDOD) on the land that is Assessor's Map and parcel 0051-0013-00. For those not familiar, this land is the former site of a Varney sand and gravel operation that was behind the Town Hall and accessed from Mill Street in the downtown area.

Through the creation of a comprehensive site plan that would result in the re-adaptation of this site, the DRDOD would provide a setting that would be accommodating to a mixture of small lot upscale single-family residences and townhomes in a village type setting; one that would be in close proximity to the downtown area; and whose establishments would benefit from these increased residences and the patronage that these would likely provide. The synergies that could develop from the availability of land that could accommodate these uses in close proximity to the town center is invaluable as is consistently reinforced in surveys of priorities in communities in the 495 belt.

In terms of the site itself, the perimeter of the parcel to be developed has considerable elevation with very large pine trees around much of that perimeter. This is further reinforced on the North by the Charles River and the old rail line that still exists. The basin that results will provide for a very private setting for those who will chose to live here. Aside from the modification of an existing stream crossing and the addition of another, the impact on wetlands will be minimal; to be maintained in perpetuity as open space. The minimum amount of open space under this by-law is 40%.

The roadway that will provide access and egress to the areas to be developed will for the most part be a road that will ring the perimeter of the property. Being

both the access and egress to the property, this road will be the one to serve what commuter traffic will generate from the addition of this new alternative roadway. Intermittent islands to calm traffic within the roadway will be incorporated into the design. It is on this roadway that the townhomes will be located.

Conversely, the interior roadways that will serve the single family homes will be accessed from this main roadway. These interior roads will be designed with more significant curvature; characteristic of single family neighborhoods; which too will produce a traffic calming effect. Design will take into account that all modes of transportation (auto, bike, pedestrian) must be accommodated for access to the downtown.

Other aspects of the proposed overlay by-law include:

- as with other overlays, the underlying zoning will not be extinguished with the passage of this overlay; it is rather an option for consideration;
- a special permit from the Planning Board will be required under this by-law;
- and that the applicant will provide an impact analysis with recommendations that the Town could consider to ensure that public services are sufficient to accommodate the new development.

The handout shows residents will gain access through Mill Street and it will be pushed through all the way to 140. The property spans over 130 acres.

Mr. Soter asked if this will be a through road and if trucks will have access. This was confirmed. The entrance off of 140 will lead to the industrial development but will also have access to the residential neighborhood. There will be five different house models ranging in size from 1800-2500 square feet including ranches. They will all have 2 car garages (except for the corner lots which will only be 1 car garages) that will be set back to allow for visitor parking in the driveway. The colors will all be different however they will all go together. The homes will retail in the \$500,000 range and the townhomes will be part of an HOA. It was suggested to the developer by Mr. Soter that he speak to the owner of the downtown plaza to help drive this project. The Board also suggested the developer discuss with the architect a designated parking area for visitors so that parking doesn't become an issue on this main road. This presentation was for informational purposes and an executive session will take place and it will include the school committee to discuss the impact of the schools and classroom size. An information session will also be offered to the public.

Mr. Fraine commented that there will be no action by the Board this evening and that this is on the Warrant for the Special Town Meeting this fall. Mr. Soter invited questions in which there were none.

Theory Farms – Brandon Pollack

**Please see attached materials*

Mr. Fraine introduced Brandon Pollack from Theory Farms and explained he was here to propose a marijuana cultivation plant in the industrial zone located at 26 William Way where it has town approval to operate. A community Outreach Meeting is scheduled for next week September 18, 2018 at 6PM at the town library. Mr. Pollack has operated a cultivating business in Bridgewater since February 2017 with no issue. The proposed length of agreement is 5 years. Some of the specifics include the construction of a 50,000 square foot building which is being presented to the planning board. In addition to property tax, Theory Farms will pay the town \$20,000 per square foot of cannabis canopy. The initial canopy size will be 9,000 square feet and 23,000 square feet at build out which will generate \$180,000 initially and up to \$480,000 at full build out. Payouts will begin in either the 3rd or 4th quarter of 2019. Theory Farms will donate \$20,000 to a local charity of Bellingham's choice. Theory Farms will hire 110 employees. Mr. Soter brought up the fact that the attorney general has sent out letters saying that municipalities cannot discriminate against medical marijuana dispensaries and asked Mr. Pollack if he thought his location could house such a facility. But it was Mr. Pollack's opinion that a medical marijuana dispensary be in a location that has easy access to the public.

On a Martinis/McNulty motion, the Board unanimously voted to approve the Host Community agreement with Theory Farms.

Capital Improvements:

Tim Aicardi – Building Inspector

**Please see attached materials*

- At this time Mr. Aicardi is requesting a new vehicle, specifically an AWD vehicle to visit job sights. He currently uses his own vehicle. The cost of the new vehicle is roughly \$35,000. Mr. Aicardi said that some of the vehicles in the department are running. The Board questioned Mr. Aicardi as to why he needed a new vehicle and suggested he receive a hand me down from another department.

The Board stated that they would make a decision once all other capital improvement requests have been made.

Police Chief

**Please see attached materials*

- At this time the police department is requesting 3 new vehicles. Lt. Jim Russell stated that they need to replace vehicle 408, 409 & 401. He also stated that they will be keeping vehicle 402 but will be updating the computer system. Starting in 2020 the interior and the exterior of the vehicles will be changing and none of the current computer systems from older vehicles will be able to be transferred over. By just replacing these 3 vehicles this year the department will be able to stagger the years they need to be replacing vehicles.
 - The total replacement cost for vehicle 408 would be \$48,284.35
 - The total replacement cost for vehicle 409 would be \$45,389.35
 - The total replacement cost for vehicle 401 would be \$48,153
 - The total equipment purchase price would be \$17,994

The Board stated that they would make a decision once all other capital improvement requests have been made.

Fire Chief

**Please see attached materials*

Deputy Chief Mark Poirer first and foremost wanted to mention that the fire department received a report recently from the ISO (Insurance Services Office, LLC), an independent company that serves insurance companies, communities, fire departments, insurance regulators, and others by providing information about risk. These surveys are conducted whenever it appears that there is a possibility of a class change. The last survey was done in 2013 in which the town received a class “5” based on a 10 point scale, 1 being the best, 10 being the worst. The most recent results classify the town at a “3”. Mr. Poirer stated that the results show an increased rating as a result of a water flow problem on Wrentham Road that has been resolved, a better dispatch center at the Police Station and a new tower truck just to name a few. These results are important to our town as they will set the insurance premium rates for individuals. It was suggested by the Board that these results be posted on the town website to make available to the public.

- At this time the fire department is looking to replace the computers used in their ambulances. This is essential to run reports on patients. The fire department is also looking to replace car 4, a 2010 Ford Expedition with 100,000+ miles, which is driven by the town fire prevention Captain. This expedition could be passed down to another department that could use an SUV at normal driving speeds. The fire department is requesting to replace this expedition with a Chevy Tahoe. The new Tahoe would be driven by the Chief and the other vehicles would be passed down within the department. The fire department is also requesting a pumper which is currently in production and was originally ear marked to be a demo. This pumper would be used for Station 3 in the north end of the town. The pumper that is currently at that station is a 1993 and has a rejection sticker on it.

The total cost of the Custom Pro Pumper is \$651,725 but the town has the option to lease.

- The total cost of the ambulance computers would be \$15,550.38
- The total cost of the Chevy Tahoe would be \$56,415
- Pumper truck: 10 year lease \$80,145.74 annually

The Board stated that they would make a decision once all other capital improvement requests have been made.

DPW

**Please see attached materials*

- The DPW is requesting new equipment, a cost summary spreadsheet with amounts and specific notes is attached.
 - Sweeper (5 yr lease) town would own at the end of lease.
 - New vac and jet combo truck.
 - Grove Street standpipe (water tower) mixing to address TTHM.
 - Well 7 Replacement
 - Sewer Infiltration and Inflow study – Required by EPA and MassDEP
 - Plow & salt truck (replaces a 2001) – Expected delivery would be FY2020
 - Small dump truck with plow (replaces a 2001)
 - Pick up with utility body (replaces 2008)
 - Facilities operator van for each treatment plant (Hartford Ave & Wrentham Road)
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- Town Wide Dead Tree Removal:
 - Project Options Trees Estimate
 - All (~400) Remove Trees & Stumps (400 trees) \$ 524,016
 - All (~400) Remove Trees - Leave Stumps (400 trees) \$ 364,010
 - Hartford (Tree only - leave stumps) (38 trees) \$ 47,674
 - Maple (Tree only - leave stumps) (69 trees) \$ 73,106
 - Maple & So. Maple (Tree only – leave stumps) (78 trees) \$83,232
 - Wrentham (Tree only - leave stumps) (16 trees) \$ 21,471
 - Blackstone (Tree only - leave stumps) (31 trees) \$ 33,788
 - Center (Tree only - leave stumps) (22 trees) \$ 26,238
 - 24" and over (Tree only - leave stumps) (66 trees) \$ 139,283
 - 18" and over (Tree only - leave stumps) (143 trees) \$ 192,856

The Board stated that they would make a decision once all other capital improvement requests have been made.

The Board asked the tree warden if he could prioritize which trees were an emergency and danger to the residents before the next Board meeting.

Mr. Soter requested a full report of the various funding that would be needed and where the cash would be coming from to fund these Capital Improvement requests before the Board votes at the next meeting. Mary MacKinnon the town's new CFO said she would look at available funding sources and would work through where these requests would fit in.

Bulk Storage

Jim Kupfer explained to the Board that based on the new Bellingham General Code 236-2 bylaw, businesses with potential bulk storage must apply for a license. This process will be a catch all for either individuals or commercial properties with bulk storage. No further licenses will be handed out after this initial phase. The goal is to send letters to anyone who could potentially qualify for a bulk storage license because if they do not apply during this first period they will not receive a license going forward. The Board is looking for a recommendation from the planning department and building inspector for an appropriate permit fee to charge and will make a decision once one has been made.

On a Martinis/McNulty motion, the Board unanimously voted to approve the request of St. Blaise Knights of Columbus for their Tootsie Roll Drive, Saturday, September 29th 8 AM – 4 PM at Crooks corner where South Main Street meets Pulaski Blvd and the center of town where Rt 126 meets Rt 140. An insurance binder has been submitted.

On a Connor/Martinis motion, the Board unanimously voted to accept the August 23rd minutes as submitted. The Board will hold off on voting to accept the August 31st minutes until all 3 Board members who were in attendance of that meeting are available to vote together.

Mr. Fraine discussed the Municipal Aggregation of Electricity. The program has been up and running since March 2017. The current contract expires in December and the bid process will be conducted later this month. Bid results will be available for the Board's review in October.

Mr. Fraine discussed E.L. Harvey, the new trash and recycling company, and related that the BOS office as well as his office has received no complaints since the company started this week. Mr. Martinis stated that he did see extra trash on his street the day of trash pickup. Mr. Connor stated that the dumpsters at the parks department were full and needed to be picked up by Republic. Mr. Fraine pointed out that he had made a call regarding the pickup of all the old dumpsters.

Mr. Soter suggested Mr. Fraine talk to counsel about having a Special Town Meeting regarding zoning on medical marijuana dispensaries. He feels based on the letter

recently received by the attorney general that we cannot discriminate medical marijuana dispensaries here in town.

Mr. Fraine requested an executive session pertaining to a discussion of Contract Negotiations. Members of the Board were polled with all voting in the affirmative. The Board will not return to open session.

On a McNulty/Martinis motion, the Board unanimously voted to adjourn the meeting at 9:40 PM.

Respectfully submitted,

Hilarie J. Allie
Administrative Assistant