



BELLINGHAM PLANNING BOARD

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

Meeting Minutes January 11, 2018

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

Present at the Meeting

Brian T. Salisbury (BTS), Chairman
William F. O'Connell Jr. (WFO), Vice Chairman
Peter C. Pappas (PCP), Secretary
Dennis J. Trebino (DJT), Member
Bruce W. Lord (BWL), Member - absent
Philip Devine (PD), Associate

Other Officials:

James S. Kupfer (JSK), Town Planner and Zoning Compliance Officer
Jean Keyes (JK), Planning Board Coordinator

BTS opened the meeting at 7:00 p.m.

General Business:

- ☐ **ANR – 43 Bertine Street and 33 Blackmar Street, Nichols & Kettell**

JSK explained the Plan.

Present: David Nichols, Applicant

BTS: Motion to sign the ANR plan for 43 Bertine Street and 33 Blackmar Street.

PCP: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, WFO, PCP, DJT)

Nerina Estates Definitive Subdivision, Stormwater Management Permit, and Backlot Division Special Permit, 799-801 Pulaski Boulevard, Continued Public Hearing. Definitive Subdivision Decision Date: 2/1/18

PD recused himself from the discussion as he is a direct abutter.

JSK explained the project to date and that the Applicant is requesting a continuance

Present: Steve O'Connell of Andrews Survey Engineering

Mr. O'Connell explained that Mr. Connelly has left the firm, the reason for the continuance request, and stated that he has an email from National Grid, but not a letter, stating that they have stakeholder approval. This email was not submitted to the Board. Mr. Andrews also provided the Certificate of Mailing to the Board as proof that the abutters were re-noticed.

The Board expressed their reluctance to continue as the Applicant and Mr. Connelly were told several times that everything must be completed and submitted by this meeting including the National Grid letter. Additionally, the Board explained that they told Mr. Connelly many times, since the first meeting, that three houses were not acceptable and asked that one be removed along with the Backlot Special Permit. The Board discussed the next steps, advised Mr. O'Connell that the Applicant could withdraw, and also instructed JSK to prepare a draft denial decision for the next meeting.

Mr. O'Connell explained that he would like to discuss with the Applicant, the removal of the 3rd house from the plan. So remaining would be Lot 1, Lot 2, and parcel A which would be designed as not buildable. If this is done, the stormwater system would remain the same and nothing else would have to be redesigned. He could be ready to submit to the Board and the peer reviewer next week. JSK informed Mr. O'Connell that the peer review account has a zero balance; consequently, an additional scope will be needed from PSC and a check for the full amount of that fee.

The Board agreed to continue the hearing with the understanding that if everything is not ready, the Board will make a decision and vote at that meeting.

JSK stated that he could produce a document with facts and findings so the Board could be ready to close the hearing at the next meeting if necessary. The Applicant would also have the opportunity to withdraw as well.

Public Questions and Comments:

Stacey Danner of 4 Deer Run stated that she is confused at how many times the Applicant has said that this is the final plan and the Board has stated that this is the final meeting. She is trying to understand the plan but the Board is the expert on that. The Board keeps being reassured by the Applicant that the National Grid letter would be here soon, but it never is. She was told that the Board would vote on this project but there are still no new plans and she is very concerned. She questioned why this is being continued now and asked at what point will new plans be submitted. She stated that this public hearing began 12 months ago.

WFO: Motion to have JSK draft a denial decision to be available for the next meeting and to continue the public hearing for Nerina Estates Definitive Subdivision, Stormwater Management Permit, and Backlot Division Special Permit, 799-801 Pulaski Boulevard to February 8, 2018 at 7:00 pm.

DJT: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, WFO, PCP, DJT)

Preferred Pump LP 441 Pulaski Boulevard, Flexible Parking Special Permit and Site Plan Review, Continued Public Hearing. Site Plan Decision Date: 3/9/18

JSK provided an explanation of the proposed project and the reason for the continuation request.

Present: Attorney Eli Leino of Mayer, Antonellis, Jachowicz, Haranas LLP.

Attorney Leino stated that Attorney Antonellis sends his regrets that he cannot be here tonight. In addition, Attorney Leino addressed the concerns of abutter Babiana about the hours of operation. Attorney Leino contacted Branch Manager Brian Hale who informed him that the hours of operation will be 7 am – 5 pm with no scheduled deliveries after hours. In addition, Attorney Leino explained that the reason for continuance was that the holidays delayed the re-engineering of the site plan and the drafting of the lighting and landscape plans. The Applicant would like to continue to February 8, 2018.

BTS: Motion to continue the public hearing for the Preferred Pump LP 441 Pulaski Boulevard, Flexible Parking Special Permit and Site Plan Review to Feb 8, 2018 at 7:00 p.m.

WFO: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, WFO, PCP, DJT)

1st Public Hearing for Articles 1 and 2 on the March 28, 2018 Special Town Meeting Warrant to amend the Zoning Bylaws for Marijuana:

- **Warrant Article 1: Proposed amendments to Zoning Bylaws Article V, Use Regulations Schedule, Section 240-31**
- **Warrant Article 2: Proposed amendments to Zoning Bylaws, Article VI Definitions, Section 240-32**

JSK read the Public Hearing Notice.

BTS: Motion to open the 1st public hearing for the Amendment of Zoning Bylaws Article V, Use Regulations Schedule, Section 240-31 and Zoning Bylaws Article VI, Definitions, Section 240-32.

PCP: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, WFO, PCP, DJT)

JSK explained that Bellingham residents voted yes to allow recreational marijuana and consequently, the Town must amend the bylaws. The Board is only discussing the Town meeting article. The State requires this process because the Town would be allowing fewer than what the State is requiring.

JSK explained the amendments proposed. These amendments would prohibit retail sales and restrict the zoning for the location of cultivation to an industrial zone. Retail sales and medical dispensaries will not be allowed. A developer can grow marijuana in the Town but cannot sell it in the town or dispense it in town for medical uses. Cultivators will have to get a license from the state and come before the Planning Board for a Special Permit. These bylaw amendments have to be in place by April 1, 2018 which is when the state issues licenses. JSK is not certain if there will be a local license requirement. It is imperative that the Town approve and implement these bylaws for both cultivation and retail sales. These changes need to be approved at Town meeting. This is an evolving process. If this doesn't pass at Town Meeting, then there are no bylaws in Bellingham to cover retail sales, cultivation, and dispensing.

BTS: Motion to close the public hearing for the Amendment of Zoning Bylaws Article V, Use Regulations Schedule, Section 240-31 and Zoning Bylaws Article VI, Definitions, Section 240-32.

DJT: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, WFO, PCP, DJT)

BTS: Motion to recommend the Amendment of Zoning Bylaws Article V, Use Regulations Schedule, Section 240-31 and Zoning Bylaws Article VI, Definitions, Section 240-32.

WFO: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, WFO, PCP, DJT)

Discussions:

- Post Office Place – Permit extension request and security agreement. The Applicant is meeting with DPW tomorrow morning about the binder course of the road so will he will come back to the Planning Board at a later date.
- Annual Report – JSK explained the report and asked for edits, comments, etc.
- The Economic Development Workshop is Thursday, January 18, 2018 at 6:00 pm at the Library. MAPC will assist.

General Business:

- ☐ **As-Built Certifications**
- ☐ **12/28/17 Minutes Signing**

DJT stepped out of the meeting.

PCP: Motion to sign the December 28, 2017 Meeting Minutes as amended.

BTS: Second.

Discussion: A sentence under JD Raymond was amended.

Vote: 3-0 Carried. (BTS, WFO, PCP)

- ☐ **Voucher Reports** - JSK explained that there were no vouchers.

WFO: Motion to adjourn.

PCP: Second.

Discussion: None.

Vote: 4-0 Carried. (BTS, WFO, PCP, DJT)

Meeting Adjourned at 8:30 p.m.

January 11, 2018 Public Hearing Documents List

Nerina Estates Definitive Subdivision, Stormwater Management Permit, and Backlot Division Special Permit

1. Continuance Request from Andrews Survey & Engineering 1.10.18

Zoning Bylaws – Proposed Amendments – Marijuana

1. Marijuana Zoning Bylaws Proposed Amendments 11.21.17
2. Public Hearing Notice 1.11.18

Preferred Pump LP Flexible Parking Special Permit and Site Plan Application

1. Affidavit of PH Notice Mailings to Abutting Towns & City 1.11.18

Zoning Bylaw Amendments for Marijuana

1. Public Hearing Notice 1.11.18
2. Proposed Bylaw Amendments 11.21.17

Minutes Accepted on: 1/25/18
(Date)

Jean Keyes
(Prepared by: Jean Keyes)

Brian T. Salisbury
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William F. O'Connell Jr.
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Peter C. Pappas
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Dennis J. Trebino
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