



BELLINGHAM PLANNING BOARD

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

Meeting Minutes August 23, 2018

MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

Present at the Meeting

William F. O'Connell Jr. (WFO), Chairman
Brian T. Salisbury (BTS), Vice Chairman
Peter C. Pappas (PCP), Secretary
Dennis J. Trebino (DJT), Member
Russell E. Lafond (REL), Member
Philip Devine (PD), Associate

Other Officials:

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

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

Zoning Bylaw Amendment for Zoning Map for Farm Street, Continued Public Hearing

JSK explained the project to date. At the last meeting the Board requested information pertinent to the 190 Farm Street (Asphalt Engineering) Development Plan Permit and how a zoning change would affect their permit. JSK stated that he reviewed Mass General Law and the Town's Regulations and found that truck storage and the repair of trucks needs to be in compliance with existing zoning which is currently industrial. Changing the zoning for this parcel would affect their DEP 5-year permit and would prevent them from obtaining renewal of that permit.

WFO stated that to have this permit 190 Farms Street must be in an industrial zone to perform maintenance their truck. Changing the zoning of that parcel would jeopardize the viability of that permit. WFO also explained to the public that this rezoning proposal was initiated by the Planning Board to be proactive in order to develop long-term planning for the town. The Planning Board is simply making a motion to forward to Board of Selectmen (BOS) who would then vote to take it to Town Meeting.

Public Questions and Comments:

Lee Ambler, Attorney to 190 Farm Street Applicant. Mr. Ambler stated that he will defer his comments until he has heard the opinions of the Board members.

William Bruce of 167 Farm Street stated that the two parcels that would be excluded are on the line of the scenic road. His parcel is not developed and has been that way for a very long time. But 190 Farm Street is developed and the traffic has nothing to do with that parcel. It has taken years and years to develop to substantial truck traffic issue but this change won't have any impact. It is rare that a town removes industrial zones. Mr. Bruce then explained that if this rezoning is passed and houses are built, it will cost the town a lot of money to educate the children who live in these homes. However, if the property remains industrial and a use is allowed that would not produce high traffic then there would be more tax benefits to the town. Mr. Bruce stated that the change from industrial to residential is not beneficial to the town.

JSK responded that the Board has taken into account the diverse tax rate to keep taxes low. This three-part process has proposed a more substantial location for industrial in the town off Hartford Ave. Quality of the town is also important. Try to reduce large impacts in a part of town that does not have the proper infrastructure to support industrial use and the associated truck traffic.

DJT addressed Mr. Bruce's statement that there is a reason his land and other similar land in the area have not been development. DJT stated that it is more suitable for residential.

Erin Donovan of 206 Farm Street stated that the problem is that Asphalt Engineering works 7 days a week and she has emailed the police chief because the traffic is going too fast. The street is horrific and she is afraid that trucks will harm her. The conditions of road need to be addressed and speed limit signs need to be installed. WFO will send a draft copy of these minutes to BOS and PD to deal with these issues.

Erin Landry Moreland of Asphalt Engineering of 190 Farm Street responded that their company is currently constructing the building on this site and they are not operating their business from that location. Construction is happening on the site but they do not have anyone working on Sunday. WFO asked Ms. Moreland to look into that. JSK stated that he will talk to Ms. Moreland and the site manager about construction hours.

Jay Sivits of 208 Farm Street stated that it is the start of the school year there is not anymore space on the street for children and there is no more space for development. Ms. Sivits stated that she would not like to see more development.

Stephen Smith of 205 Farm Street believes that the property to his left across from Asphalt Engineering was forced to turn left out of the property and he is surprised that this stipulation was not made for Asphalt. The biggest traffic problem on the road is the through traffic that use Farm Street as a shortcut to miss the lights. Mr. Smith asked why the town can't install "No through traffic" signs.

BTS stated that all the issues raised tonight are exactly why this initiative was brought forward. The town has to be proactive when making changes if the town cannot bear the costs associated with industrial development. There are physical limitations to what can be put on these roads. The Planning Board has limited authority and powers. The Board cannot authorize new construction, tell the police where to go, or authorize the installation of signs. He urged the residents to become active participants in the town by going to Town Meeting and to other Boards' meetings.

Lee Ambler, Attorney for Asphalt Engineering of 190 Farm Street stated that he is surprised at the tone of the meeting and the Board has been talking about this for 20 months. WFO responded that the Board is discussing the rezoning Farm Street not about Asphalt Engineering. Mr. Ambler stated that he thought the Board originally indicated that the PB was going to exempt this property and asked for the status now.

Mr. Ambler further stated that this Board has extreme powers and the BOS will accept this change as they have never denied a change in the past and they will not change anything. This is the appropriate board to exclude this property. The Board never indicated during the permitting process that this land may be rezoned. DJT stated that the last thing he wanted to do was to harm this applicant.

WFO: Motion to close the Public Hearing for the proposed Zoning Bylaw Amendment for Zoning Map for Farm Street.

DJT: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

DJT: Motion to submit to the Board of Selectmen the Planning Board's vote to recommend the proposed amendment changing the zoning district at the following addresses from the Industrial District to the Suburban District with the exclusion of 187 Farm Street, Map and Parcel 7-7-1; 190 Farm Street, Map and Parcel 7-4; 163 Farm Street, Assessors Map and Parcel 7-10; 167 Farm Street, Map and Parcel 7-9; 176 Farm Street, Map and Parcel 7-3 and 2-1; 185 Farm Street, Map and Parcel 7-7; 205 Farm Street, Map and Parcel 7-6; and Farm Street Map and Parcels 7-2, 7-8, 7-8A, 7-11, and 7-11A.

WFO: Second.

Discussion: PCP stated that existing uses would stay the same after zoning changed as long as the use doesn't change.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

24 Williams Way Definitive Subdivision, 1st Public Hearing. Decision Deadline: 11/2/18

JSK read the public hearing notice.

WFO: Motion to open the public hearing for 24 Williams Way Definitive Subdivision.

PCP: Second.

Discussion: JSK explained that there are three applications for the same address but three distinct applications. Previously there was a preliminary industrial subdivision discussion for this property. JSK asked the Board to discuss this subdivision at the same time as the other discussions for Lot 1 and Lot 2 Development Plans.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

JSK explained the project to date and the documents received.

Present: Jesse Johnson of Bohler Engineering, Matt Clark, Applicant. Phil Paradis and Jacklyn Centracchio of BETA Group, Inc., the town's peer review engineers.

BTS: Motion to continue the public hearing for 24 Williams Way Definitive Subdivision to September 13, 2018 at 7:00 p.m.

PCP: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

24 Williams Way Lot 1 Development Plan, Stormwater Management Plan, and Special Permit for Marijuana Cultivation, 1st Public Hearing. Development Plan Decision Deadline: 10/2/2018

WFO: Motion to waive the reading of the Public Hearing Notice.

DJT: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

BTS: Motion to open the public hearing for 24 Williams Way Lot 1 Development Plan, Stormwater Management Plan, and Special Permit for Marijuana Cultivation.

DJT: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

Present: Jesse Johnson of Bohler Engineering, Matt Clark, Owner and representing the Applicant. Ron Mueller of Ron Muller & Associates, and Phil Paradis and Jacklyn Centracchio of BETA Group, Inc., the town's peer review engineers.

Mr. Johnson explained the proposal. The waivers submitted are to use the road that is currently there as it will be adequate for the new use and they will make improvements to it as well. The Fire Department

wanted better access around this building and they have moved some of the parking to accommodate that request. His will be an inconspicuous building with a very low-key use for that neighborhood. There will be no exterior sign and no customers. There traffic will consist of a few deliveries to the site and the employees. There will be an occasional box truck and tractor trailer truck but usually it will be small vans. The daily operations do not require tractor trucks.

WFO questioned the amount of security they will have. Mr. Johnson stated that the trucks have to drive into the building, secure the van, and then deliver the product inside the building. The security on the outside will comply with industry standards and the Police Department has seen it that plan. There is a designated fire lane in the front of the building with no parking and it will be striped or signed.

Mr. Clark explained that once the marijuana is cultivated and dried it goes into a safe with extensive cameras inside and outside the building. This site has 45 cameras in and around the building and the vans have cameras as well. Every square inch of the property both inside and out must be covered by a camera. Mr. Clark added that he can give copy of security operation to the Board. It has been vetted thoroughly at the state level and believes it the Police and Fire departments have seen it. Employees have all has extensive security screening and background checks.

Mr. Johnson stated that there will be no issue with odor and will have the correct filtration system to prevent odor. Mr. Clark explained that the interior of the building maintains a negative pressure in the grow spaces so the odor cannot escape the building and the building will have carbon filters as well. BTS stated that the biggest possible impact could be the odor and he would like to see the details of the filtration system for the storage of materials and the cultivation of the product.

JSK explained the host community agreement for one of the lots has been executed but one is still under negotiation. As part of the license, the BOS has to enter into a host agreement which has been executed for the tenant. As the business grows, more funds come to the town.

Mr. Johnson explained that the septic system can only take domestic waste water. Any water from cultivation has to go to into an industrial waste water holding tank and it will be pumped and taken away. Mr. Clark added that the municipal water used is for interior irrigation and some of the water is reused. The municipal water is passed through reverse osmosis. The goal is to use as much water onsite as possible and pump only about 20% of the usage. Depending upon the phase of the operation, the business will use between 5-10k gallons per day.

Phil Paradis of BETA Group, Inc. is the Town's peer reviewer and he described his comments that are detailed in his memo named "PSC – Lot 1 Peer Review Comments 8.20.18" and added that the easements have to be worked out. Mr. Paradis stated that the items in the memo can be worked out with the Applicant.

Jaklyn Centracchio of BETA Group, Inc. stated that the traffic memo submitted by the Applicant was a trip generation memo. The Applicant's traffic consultant Ron Muller took traffic counts from two similar facilities and a weighted average trip weight was obtained to get to trip generation. There is an eight vehicle increase in the am and pm peak hour.

JSK asked if the Board would like to conduct a site walk at the property location and the Board said yes.

Public Questions and Comments:

Todd Antosh who is the owner of the business at 140 Mendon Street is concerned about odor. He stated that he can smell very strong odor of marijuana from the existing building. He has customers, employees, and tenants and does not want the odor coming onto his property. Mr. Antosh is concerned about water coming down onto my property and wants the Board to be aware of the past issues with this property owner. Because the property owner cleared all of the land without any permits, his property has been flooded three times prior to anything being developed. He has been dealing with this for 1 ½ years and has worked with JSK to have the property owner construct a berm to act as a band aid. The water came down like a waterfall onto his property.

JSK is hoping to get a complete stormwater design for this location in conjunction with the Applicant's permit to keep all stormwater on the site. PCP stated that this property cannot impact any abutting properties at all and suggested that a 6 month post permit check be done to ensure that the stormwater

system is working properly. Mr. Clark responded to the odor issue and stated that the state has no – standard for odor. These facilities will have air scrubbers to reduce and or eliminate odor.

Mr. Paradis asked for permission to visit the Mr. Antosh's property to understand the slope of land and how the stormwater will be directed. Mr. Ashton agreed to allow Mr. Paradis to look at his property as long as he was with him

BTS: Motion to continue the public hearing for 24 Williams Way Lot 1 Development Plan, Stormwater Management Plan, and Special Permit for Marijuana Cultivation to September 13, 2018 at 7:00 p.m.

PCP: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

24 Williams Way Lot 2 Development Plan, Stormwater Management Plan, and Special Permit for Marijuana Cultivation, 1st Public Hearing. Development Plan Decision Deadline: 10/2/2018

WFO Motion to waive the reading of the Public Hearing Notice for 24 Williams Way Lot 2 Development Plan, Stormwater Management Plan, and Special Permit for Marijuana Cultivation.

PCP: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

WFO: Motion to open the public hearing for 24 Williams Way Lot 2 Development Plan, Stormwater Management Plan, and Special Permit for Marijuana Cultivation.

BTS: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

Present: Jesse Johnson, of Bohler Engineering, Brandon Pollock of Good Theory, Don DiMartino, DPW Director

Mr. Johnson explained the proposal for the site. The water will be looped with the construction of this project where it currently is dead-ended.

BTS asked about the limit of clearing and Mr. Johnson stated that it is shown on the plan. The stormwater basin will be the first thing constructed on this property and it will immediately begin managing the stormwater. This is an infiltration basin that must get rid of all the water within 72 hours. BTS asked if all information requested for the Application for Lot 1 also be provided for Lot 2.

Mr. Johnson explained that this is a different facility from that on Lot 1 and it does operate somewhat differently. The detailed project narrative for each site answers a lot of questions the Board has been asking.

PD asked how much water being used. Mr. Johnson stated that 5,000 gallons per day will be used. Mr. DiMartino stated that he is comfortable with the water usage and it will improve the water flow in that area.

JSK explained that the Applicant does not reach the standard for a full traffic study and the Board could waive this.

DJT: Motion to waive a full traffic study.

PCP: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

Mr. Paradis explained his memo titled "PSC – Lot 2 Peer Review Comments 8.20.18". Mr. Paradis further explained that the Applicant should be more conservative given that all the stormwater from both Lot 1 and Lot 2 is going to the one basin. The Board must be provided with documentation stating which Applicant will own which structures and who will be responsible for the maintenance.

Public Questions and Comments:

None.

WFO: Motion to continue the public hearing for 24 Williams Way Lot 2 Development Plan, Stormwater Management Plan, and Special Permit for Marijuana Cultivation to September 13, 2018 at 7:00 p.m.

REL: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

Town of Bellingham MS4 Notice of Intent and Stormwater Management Plan, 1st Public Meeting

Present: Don DiMartino, DPW Director, Emily Scerbo of Tighe & Bond

JSK explained that Ms. Scerbo is the Town's consultant and is working with the Town.

Ms. Scerbo explained that it is a requirement of the stated that the Town must hold a meeting to obtain public input and then presented the Bellingham Stormwater Program. Many different pollutants can damage stormwater. The Environmental Protection Agency (EPA) put out this MS4 Stormwater permit for the drainage systems owned by the town. The waterbodies in the town have to meet EPA standards.

Mr. DiMartino spoke about the Stormwater Program that has been in place in Town for a while and they are now adding additional protections. The biggest cost item is to start phosphorus control measures to address discharges to the Charles River. Education of the residents is a very large part of this program. The cost depends upon the amount of work that has to be done in the town. First approach is to address impervious surface on town-owned property and roads. Even if the Town does everything they can, they still won't hit the numbers set by the EPA. Then the private land owners have to reduce impervious surface.

Cliff Matthews, Conservation Commission chair remarked that the DPW is doing great work with implementing stormwater drainage on any road work improvements.

JSK stated that in the near future, he will be reviewing the Bylaws to make sure they are appropriate and adequate.

Mr. Matthews added that an Operation and Maintenance program going forward will be critical.

Discussion:

□ 160 High Street Comprehensive Signage Plan

JSK explained the review of the signage plan. The proposed freestanding sign is much smaller than the bylaw allows for and is more in context with the area and the development. The size they have proposed is warranted.

WFO: Motion to approve the 160 High Street Comprehensive Signage Plan.

DJT: Second.

Discussion: None.

Vote: 4-1 Carried. (Yes - WFO, BTS, DJT, REL) (No – PCP)

General Business:

- ☐ **ANR**
Grove Street Map 22 Lot 1 – Lobisser Building Corp

WFO: Motion to sign the ANR Plan for Grove Street Map 22 Lot 1

DJT: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

- ☐ **As-Built Certifications**
- ☐ **8/9/18 Minutes Signing**

BTS: Motion to sign the August 9, 2018 Meeting Minutes.

REL: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

- ☐ **Voucher Reports – JSK explained the voucher report.**

BTS: Motion to adjourn.

WFO: Second.

Discussion: None.

Vote: 5-0 Carried. (WFO, BTS, PCP, DJT, REL)

Meeting Adjourned at 9:41 p.m.

8/23/18 Public Hearing Documents List

24 Williams Way Definitive Subdivision

1. Abutters' List – Certified 7.23.18
2. Application 8.2.18
3. Bohler Engineering Letter 7.31.18
4. Certificate of Ownership 8.2.18
5. Drainage Report 7.31.18
6. Plans – 1st Submission 7.27.18
7. Public Hearing Notice 8.23.18
8. DiMartino DPW – Water Main Plan 8.7.18
9. Kupfer Staff Checklist 8.8.18
10. Catalano BOH Comments 8.21.18

24 Williams Way Lot 1 Development Plan, Stormwater Management Plan, Special Permit for Marijuana Cultivation

1. Abutters' List – Certified 7.23.18
2. Application – Development Plan Lot 1 – 8.2.18
3. Application – Special Permit for Marijuana Cultivation Lot 1 – 8.2.18
4. Application – Special Permit for Stormwater Management Plan Permit Lot 1 – 8.2.18
5. Bohler Engineering Letter 7.31.18
6. Certificate of Ownership 8.2.18
7. Drainage Report 7.31.18
8. Narrative 7.31.18
9. Plan – 1st Submission 7.27.18
10. Plan – Elevations & Floor Plan 7.30.18
11. Quitclaim Deed 5.30.2001
12. Quitclaim Deed 6.25.1985
13. Traffic Report 6.25.1985

14. Public Hearing Notice 8.23.18
15. DiMartino DPW – Water Main Plan 8.7.18
16. Kupfer Staff Checklist 8.8.18
17. BETA – Lot 1 Peer Review Comments 8.20.18
18. Catalano BOH Comments 8.21.18

24 William Ways Lot 2 Development Plan, Stormwater Management Plan, Special Permit for Marijuana Cultivation

1. Abutters' List – Certified 7.23.18
2. Application – Development Plan Lot 2 – 8.2.18
3. Application – Special Permit for Marijuana Cultivation Lot 2 – 8.2.18
4. Application – Special Permit for Stormwater Management Plan Permit Lot 2 – 8.2.18
5. Bohler Engineering Letter 7.31.18
6. Certificate of Ownership 8.2.18
7. Drainage Report 7.31.18
8. Narrative 7.31.18
9. Plan – 1st Submission 7.27.18
10. Plan – Elevations & Floor Plan 7.30.18
11. Quitclaim Deed 5.30.2001
12. Quitclaim Deed 6.25.1985
13. Traffic Report 6.25.1985
14. Public Hearing Notice 8.23.18
15. DiMartino DPW – Water Main Plan 8.7.18
16. Kupfer Staff Checklist 8.8.18
17. BETA – Lot 2 Peer Review Comments 8.20.18
18. Catalano BOH Comments 8.21.18

MS4 Notice of Intent and Stormwater Management Plan

1. MS4 Permit – Bellingham Notice of Intent 7.31.18
2. Public Hearing Notice 8.23.18

160 High Street

1. Comprehensive Sign Plan 8.14.18

Minutes Accepted on: _____

(Date)

9/13/18

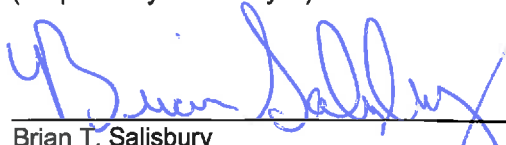


William F. O'Connell Jr.


Peter C. Pappas

Russell E. Lafond

(Prepared by: Jean Keyes)


Brian T. Salisbury


Dennis J. Trebino