



## BELLINGHAM PLANNING BOARD

10 MECHANIC STREET  
BELLINGHAM, MASSACHUSETTS 02019  
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### **Meeting Minutes Thursday October 10, 2019**

**MEETING LOCATION:** *ARCAND MEETING ROOM – MUNICIPAL CENTER*

#### **Present at the Meeting**

William F. O'Connell Jr. (WFO), Chairman  
Brian T. Salisbury (BTS), Vice Chairman  
Dennis J. Trebino (DJT), Member  
Philip Devine (PD), Associate

#### **Other Officials:**

James S. Kupfer (JSK), Town Planner and Zoning Compliance Officer  
Amy Sutherland (AS), Planning Board Coordinator

Chairman O'Connell opened the meeting at 7:00 p.m.

#### **TOWN MEETING WARRANT ARTICLE PUBLIC HEARINGS:**

#### **ARTICLE 10: REZONING OF LAND LOCATED ON HARTFORD AVE FROM RESIDENTIAL TO BUSINESS 2 (B-2):**

(Submitted by Kevin P. Meehan)

The Chairman opened the hearings for the following warrant article pursuant to the Town of Bellingham Zoning Bylaws and M.G.L. Ch. 40A §5. The purpose of the public hearing is to provide interested parties with an opportunity to comment on a proposed petition article for an amendment to the Bellingham Zoning Bylaws, Zoning Map.

Jim Kupfer read the public hearing notice noting the proposal recommends amending the zoning district at the following addresses from the Residential District to the Business 2 District:

224 Hartford Ave Parcel 18 Lot 99, 222 Hartford Ave Parcel 18 Lot 98, 1 Deerfield Lane Parcel 18 Lot 97, 5 Deerfield Lane Parcel 18 Lot 96, 2 Deerfield Lane Parcel 18 Lot 82, 6 Deerfield Lane Parcel 18 Lot 83, 216 Hartford Ave Parcel 18 Lot 81, 210 Hartford Ave Parcel 24 Lot 9-2500, 1 Rawson Road Parcel 24 Lot 9-2400, 2 Rawson Road Parcel 24 Lot 9-100, 202 Hartford Ave Parcel 24 Lot 9-200, 4 Sagamore Road Parcel 24 Lot 9-300, 7 Cedar hill Road Parcel 18 Lot 38 , 186 Hartford Ave Parcel 24 Lot 6, 4 Cedar Hill Road Parcel 18 Lot 39, 182 Hartford Ave Parcel 24 Lot 5, 5 Arrowhead Road Parcel 18 Lot 55, 178 Hartford Ave Parcel 24 Lot 4, 6 Arrowhead Road Parcel 18 Lot 57 , 3 Farm Street Parcel 24 Lot 3, 7 Farm Street Parcel 18 Lot 80 , 198 Hartford Ave Parcel 24 Lot 9, 194 Hartford Ave Parcel 24 Lot 8 , 190 Hartford Ave Parcel 24 Lot 7.

The Chairman informed the audience that this is the first presentation the Planning Board has heard about this proposal. He was aware of the neighborhood meeting which took place last weekend which was organized by the petitioner and not the Planning Board. It was also explained that the petitioner has presented to the Finance Committee who postponed any recommendation until after the Planning Board has heard the petitioner.

The procedures of the public hearing were explained. The petitioner will present the article at which time residents will be provided a chance to express their views. Those choosing to speak need to provide their name and address. The Board will then have a chance to ask questions of the petitioner. The audience members were informed that an attendance sheet was at the front of the meeting room.

Town Planner Kupfer explained that the role of the Planning Board is to listen to the presentation and make a recommendation to support or not support the endorsement of the article. This article will still be on the warrant regardless of the vote. The official vote of the warrant article will take place at Town Meeting on Wednesday, November 13, 2019. The article will need a 2/3 vote at Town Meeting. It was also communicated to the audience the importance of staying until the end of the meeting since articles can be brought up for reconsideration.

Attorney Joseph Antonellis explained that the petitioner Kevin Meehan had another commitment for this evening and apologizes for not being present. Attorney Antonellis thanked the town staff for providing assistance in completing required paperwork for the warrant article submission. Attorney Antonellis explained that the applicant held an open forum at the town hall on Saturday, October 4, 2019. Abutters were notified about the meeting and members of the community were also welcome to attend. The meeting was well attended. It was mostly a question and answer session. It is the opinion of the petitioner that the rezoning from residential to business is the best use for this area. The current bylaw as written does not work for future business opportunities in this area. There would be a variety of options for development if this were supported. There was a presentation provided to the Finance Committee. There would be a financial benefit to rezoning since any business would be taxes at a higher rate. The current homes in this area would remain taxed as residential if the warrant article passes.

Attorney Antonellis provided a map highlighting the noted area. There were also copies of the map for the audience. It was not the intent of the applicant to rezone just the three parcels in isolation thus the language of the current article. Attorney Antonellis requested that the Board open the meeting for comments and questions, and he will listen and not respond.

The abutters were made aware that if this rezoning petition fails, it cannot be brought up for another two years.

The Chairman asked if there were any proponents in favor of this article. Most of the residents in the audience were in opposition of this article.

The main concerns of the abutters included the following:

- Traffic
- Property devaluation
- Noise and dust from the congestion

- There are currently several vacant businesses in town, and the town does not need to rezone for more business.
- This will be a detriment to area.

**Board Comments:**

Member Trebino wanted to know what the vision of the petitioner is. Attorney Antonellis indicated that the petitioner would like to have a country store and gas station branded like his business in the Town of Mendon.

Member Salisbury thanks Attorney Antonellis for his presentation and specifically for reaching out to the abutters. He is sympathetic to the residents who own homes on Rt. 126. He does agree that the neighborhood is becoming isolated, but he is not clear on the solution. He communicated that this needs to be a bigger discussion with the Town and State for solutions to the traffic situation. He thanks all those residents for attending and indicated that he does not think this rezoning is the right solution at this time. It is premature and needs more discussion.

The Chairman began by explaining that there has been a good majority of resident's present speaking against this zoning change. All can agree that this area has traffic problems. He agrees that there needs to be more discussion and the town is not ready for this type of change. The residents came out this evening to voice their opinions and he supports their opinions.

**On a motion made by Brian Salisbury and seconded by Dennis Trebino, the Board voted unanimously to not recommend Article 10.**

Discussion: None.

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

**ARTICLE 7: MARIJUANA RETAILERS:**

(Submitted by Planning Board)

The Chairman opened the hearing pursuant to the Town of Bellingham Zoning Bylaws and M.G.L. Ch. 40A §5. The purpose of the public hearing is to provide interested parties with an opportunity to comment on a proposed amendment to the Bellingham Zoning Bylaws Use Regulation Schedule §240-31 and Definitions §240-32 regarding Marijuana Cultivator and Marijuana Establishments.

**On a motion made by Dennis Trebino and Brian Salisbury, the Board voted unanimously to waive the reading of the public hearing notice.**

Town Planner Kupfer summarized the intent of Article 7. The definition of Article 7 was read out loud. It extends to the making of the products but still does not include retail. The town did vote at the polls to allow growing of product but not the retail sale of the product. There are stringent policies and regulations which the town needs to follow.

There were residents present who voiced the following questions and concerns:

- Has there been conversation with the Fire Department and Board of Health in relation to the chemicals on site?
- Will there be local monitoring?

- What would the benefit to the town be other than financial?
- How will the waste of the product be managed?

The residents were made aware that the industry has evolved and has tight regulations in place for the disposal of the product. The Fire Department will be consulted along with the Board of Health.

### **Board Comments:**

The Board discussed that the language of this article should have been included in the initial iteration of the article when drafted two years ago. The members are in support of Article 7.

**On a motion made by Brian Salisbury and seconded by Dennis Trebino, the Board voted unanimously to recommend Article 7.**

Discussion: None.

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

### **ARTICLE 8: MARIJUANA RETAILERS:**

(Submitted by Stephen Mandile)

The Chairman opened the hearing pursuant to the Town of Bellingham Bylaws and M.G.L. Ch. 40A §5. The purpose of the public hearing is to provide interested parties with an opportunity to comment on a proposed petition article for amendments to the Bellingham Zoning Bylaws Use Regulation Schedule §240-31 and Definitions §240-32 regarding Marijuana Retailers and Marijuana Establishments

**On a motion made by Brian Salisbury and seconded by Dennis Trebino, the Board voted unanimously to waive the reading of the public hearing.**

The petitioner Stephen Mandile was present along with a Julie Germain who is a Real Estate Developer. Mr. Mandile provided an overview of the proposed warrant article along with his personal background. It was indicated that this type of business will redevelop under-utilized commercial properties while attracting new business. The town will also benefit by collect 3% local sales tax on cannabis sales. The petitioner communicated that he will mitigate negative impacts to communities through Host Community Agreements. The petitioner explained that by approving this article, it incentivizes legal cannabis sales and diminishes the black market. There will be no entrance allowed for those individuals under age 21. The petitioner also explained that the business will be required to install extensive security systems including access control, 24 hour-video surveillance, along with burglar and perimeter alarms.

There were abutters present who communicated the following concerns:

- Town had previously voted to not allow this type of use.
- There will be negative effects on the youth.
- Impacts of public safety.
- Concern about purchasing, then using while driving a vehicle.
- This will be a gateway drug to other drugs.
- It will increase transient travel from outside the community.
- There is a concern that this would lead to Pot Café throughout town.

The petitioner explained that the product has significant standards for the sealing and labeling of products. Any store would need to be 500 ft. from schools. The majority of those using the products are doing such for medical wellness. There is research that it is not harmful to the body and there are positive benefits of those who suffer from a variety of ailments.

The Board discussed the petition and realize that this was voted down at the ballot and town meeting. There was also the opinion that this is a growing industry which is not going away. Towns are financially benefiting from these businesses which are tightly regulated and monitored. The town is in the driver's seat for any host agreements. It is up to the residents at the town meeting to decide.

**On a motion made by Brian Salisbury and seconded by Dennis Trebino, the Board voted to recommend Article 8. (Vote 2 to 1)**

Discussion: None.

**Vote: 2-1 Carried.** (BTS aye, DJT aye, WFO nay)

### **Borrego Solar Systems Development Plan, and Stormwater Management Plan.**

#### **Continuation Public Hearing:**

The Chairman opened the public hearing for Borrego Solar Systems Development Plan, and Stormwater Management Plan for 186 Maple Street.

Representative David Albrecht, Borrego Solar Systems, Inc. has requested a continuation until the next meeting scheduled for Thursday, October 24, 2019.

The Board was made aware that the applicant is in the process of responding to the peer review comments. The applicant continues to work with the Conservation Commission on the final details. A recommendation was made to have Town Planner Kupfer begin drafting a decision.

**On a motion made by Brian Salisbury and seconded by Dennis Trebino, the Board voted unanimously to continue the hearing for Borrego Solar to Thursday, October 24, 2019 at 7:00 pm and have the Town Planner begin drafting a decision.**

Discussion: None.

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

#### **PUBLIC COMMENTS:**

- There were no public comments.

### **GENERAL BUSINESS:**

#### **ANR Application 450 & 450 R South Main Street:**

The Board is in receipt of an ANR Application dated August 26, 2019 from Fasland LLC for property located at 450 & 450 R South Main Street. The plan was prepared by Colonial Engineering, Inc. The Assessor's Reference is Map 82 Parcel 6 and 7.

The Board reviewed the presented plan.

**On a motion made by Dennis Trebino and seconded by Brian Salisbury, the Board voted to endorse the ANR Plan as presented for 450 & 450R South Main Street.**

Discussion: None.

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

**Approval of Minutes:**

**September 26, 2019**

**On a motion made by Brian Salisbury and seconded by Dennis Trebino, the Board voted to approve and sign the September 26, 2019 Meeting Minutes.**

Discussion: None.

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

**Voucher Report:**

James Kupfer explained that there were no vouchers submitted since September 26, 2019.

**Status of the Planning Board Membership:**

The Board was made aware that member Mr. Pappas has resigned after receiving a job opportunity in New Orleans. The Board of Selectmen office will be advertising to fill this position. This will be a joint appointment of the Board of Selectmen and Planning Board to be filled until the next election. The Board thanks Mr. Pappas for his nine years of service to the town.

**ADJOURN:**

**On a motion made by Brian Salisbury, and seconded by Dennis Trebino, the Board voted to adjourn the meeting at 9:40 pm.**

Discussion: None.

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

Meeting Adjourned at 9:40 p.m.

Respectfully Submitted,

Amy Sutherland

Documents List October 10, 2019

- Town Meeting Warrant Articles
- 186 Maple Street Definitive Subdivision (Industrial) - Continuation Hearing Extension

Minutes Accepted on: October 24, 2019 Amy Sutherland  
(Date) (Prepared by: Amy Sutherland)

William F. O'Connell Jr.  
William F. O'Connell Jr.

Brian T. Salisbury  
Brian T. Salisbury

Dennis J. Trebino  
Dennis J. Trebino

Russell E. Lafond  
Russell E. Lafond

