



## BELLINGHAM PLANNING BOARD

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

### **Meeting Minutes** **Thursday, April 28, 2022** **7:00 pm** **In person and Zoom Meeting**

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

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

#### **Not Present:**

Elizabeth Berthelette (EB), Member

#### **Other Officials:**

Town Planner, James S. Kupfer was also present by zoom.  
Assistant Town Planner, Amy Sutherland was also present.

Chairman O'Connell opened the meeting at 7:00 pm

The Chairman told the meeting attendants it's critical for them to attend Town Meeting to vote their concerns. This meeting is a process in order to express the opinion of the planning Board based on what is presented as the town warrant is written.

#### **PUBLIC HEARING for Town Meeting Warrant Articles:**

#### **ARTICLE 17. HARTFORD AVENUE ZONING CHANGE**

On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted to open the public hearing (4-0)

#### Roll Call Vote

William F. O'Connell Jr. (WFO), Chairman	aye
Brian T. Salisbury (BTS), Vice Chairman	aye
Philip M. Devine (PD), Member	aye
Dennis J. Trebino (DJT), Member	aye
Robert Lussier (RL), Associate Member	no vote

#### **ARTICLE 17. HARTFORD AVENUE ZONING CHANGE**

- Submitted by Rt. 85 Realty Corp.: Kevin Meehan, 296 Main LLC, Jack Meehan, 217 Rover Road, LLC, Kevin P. Meehan

The proposal recommends amending the zoning district at the following addresses from the Residential District to the Business 2 District:

- 182 Hartford Ave Parcel 24 Lot 5
- 186 Hartford Ave Parcel 24 Lot 6
- 190 Hartford Ave Parcel 24 Lot 7
- 194 Hartford Ave Parcel 24 Lot 8
- 198 Hartford Ave Parcel 24 Lot 9

Mark Kaplan was present to represent the owners of the five parcels, along with Karik Fayad of Meehan Group and Sean Rearden from Tetra Tech. Mr. Kaplan explained that the proposal involves five parcels in a residential district at the intersection of Hartford Ave and North Main Street, which have been used as residences in the past. Several are in states of disrepair. The Chairman had an opportunity to meet with one of the interested parties, and he declined but advised them to look at their presentation from three years ago, update and improve it, then move forward.

Mr. Rearden explained this proposal will take those five residential parcels and rezone them to business 2, which is the zone immediately across Hartford Ave. Mr. Reardon presented 10 slides, reviewing how everything around them have evolved and transformed. While this team was not part of the proposal three years ago, previously there was a bigger area proposed for rezoning, and right now they're focusing on the zoning issue and not what will become of the parcels. They chose these parcels because their team controls these parcels, and due to their location, they are a priority. These parcels are also integral because in the event of the potential widening of Hartford Ave, it would require land from these parcels. Current residential uses couldn't be maintained and grant that widening. Rezoning would allow new uses to accommodate a narrower strip. Mr. Kaplan said that something needs to change on that side of the road to be more consistent with allowed uses on other side of road. He said there's a good opportunity for a transition zone between big business and residences on the opposite side. Their vision is a smaller density application, like a rural commercial use.

Mr. Rearden said the use of these parcel as residential is unsafe and unsustainable given how close the properties are to 126. They see an opportunity to take these parcels and create a buffering entity between the residences and commercial uses on the other side of the road. He also said the continued use of these parcels as residential is inconsistent with the future vision for Hartford Ave, as Hartford Ave would not be able to be widened. Mr. Rearden said it's an appropriate location for transitional development because of its location to highways, and it would benefit the town fiscally because the current lots are generating no revenue now and commercial use will generate 4 or 5 times as much. They would love an option for a gas station on that side of the road.

Mr. Rearden reviewed the implementation strategies of the 2020 master plan which were demonstrative of zoning change, including, under land use, continue to seek new opportunities to align new growth with infrastructure so not to overburden our roads or drinking water. The economic development section recommends examining the business and industrial allowed uses and looking for opportunities for mixed uses that can share resources such as parking or varied traffic patterns. Mr. Rearden said this plan will reduce traffic congestion and accommodate the future vision for widening that will impact the area even more, which is perfectly in line with the town's master plan. Mr., Kaplan reminded everyone that a zoning change will most likely require a site plan review, and possibly a special permit before this Board and the Board of Selectmen. This is only the beginning.

Member Lussier expressed concerns that a gas station isn't an easy transition between businesses and residential areas. Mr. Kaplan explained those uses are in the context of a special use permit, and under this new action, everything they do will be in response to zoning change but it's their goal to see if something like that could work, and he believes it can be done nicely as Mr. Meehan keeps his properties well maintained. Mr. Lussier would like to protect the integrity of the residential neighborhood and believes there is limited space for a desirable buffer.

Member Trebino would like to see DOT come in and infrastructure improvements completed before buildings go in. While Mr. Reardon agreed that's a fair point, he argued that part of the traffic problems are due to the unbalanced development on one side of the road, and what's there now is adequate to serve the project but without land from these parcels, the widening can't happen. If successful, they have proposals that will afford them to give up the frontage needed for MassDOT widening. Small changes can be made under current conditions, and any review for future development will involve traffic studies, including improvements that are not widening. The Town Planner believes the last proposal was withdrawn at Town Meeting due to feedback from neighbors, so this proposal has not been in front of the Town Meeting. The Chairman issued a point of clarification that the last proposal was for specific plots of land, and this proposal increases the amount of property included in the proposal. Mr. Devine said one of

the largest issues in the town is mixed usage zoning, and he'd like to hear from local residents. He thinks it should remain residential unless the town thinks it should overwhelmingly change. There could be creative solutions to widening the road. Mr. Devine raised concerns with why the properties have been boarded up and Mr. Reardon replied that they're not usable as residential spaces.

Member Salisbury commented that zoning is an ongoing issue as zoning hasn't kept up with infrastructure with needs and traffic patterns. He has concerns with the conditions of property because since the applicant purchased them, the parcels of land and buildings have declined in the state of condition. He questioned whether the applicant had intentionally blighted the properties to be a thorn in the side of the town or they've been negligently blighted. There has been contact over the years with the applicant to clean them. Mr. Rearden replied that the applicant sees this as a property in transition, and change has happened all around them which they are reacting to and not causing. He will take the concerns about the state of property back to applicant, but he doesn't believe you can rebuild those homes in those locations. The Chairman noted they have reduced the value of assets on Hartford Ave over the past four years to increase the asset of that land long term, letting them deteriorate in the hopes the town would get tired of it and make change. He reminded people to consider that people aren't traveling as much due to covid. He told the applicant they've created a transition zone by creating an eyesore, and they've enlarged the scope of the previous plan. He took issue with the applicant's use of the term marginalized residential zone, as people live there. Mr. Reardon responded that the additional parcels were included because they provide the last piece of the real estate required to do the widening. If they were not included, the applicant wouldn't be able to say they can effect the final piece of widening.

The Chairman opened the hearing to the public.

A letter from Mr. Deluca was entered into the record.

**Paul Vicario, 8 Sagamore Road**

Mr. Vicario submitted a letter to be entered into the record regarding the evolution of the area and traffic that increases every year. He is concerned that adding construction will slow the flow down and reroute traffic downside streets. Mr. Vicario has health concerns for a gas station close to residences. He questioned the deterioration of the parcels and the motivation behind it.

**Joe Magri, 36 Cedar Hill Road**

Mr. Magri commented that this project will not make traffic better. The town can take area by eminent domain. He commented that a gas station will slow traffic down and the town doesn't need another gas station. He commented that the condition of the houses are unforgivable.

**Leslie Lynch, 11 Sagamore Road**

Ms. Lynch would like to know what Mr. Meehan will he do with this land if he does not get his way? The applicant doesn't know as they believe the properties are in transition, and that may change as a result of this effort.

**Kim Ladoucer 4 Sagamore Road**

Mr. Ladoucer thinks every point in the presentation has an abuttal and the proposal doesn't benefit the town. She believes there are other uses for these properties and took issue with the applicant's stripping of trees on the land. The Chairman commented that they don't have the authority as a Board to decide what would be nice on a property. The Board must deal with what comes in front of them, but he agrees there are other options for that land.

**Pauline Hamwey, Wethersfield Road**

Ms. Hamwey thinks it would be better if the homes were removed and agrees with the proposal of a country store. She commented that the properties were boarded up due to vandalism.

**(Resident – inaudible)**

Resident asked if the Board could force Mr. Meehan to put houses back up, and what other options he has and if he pursued them. The Town Planner replied that it's currently zoned residential, so he has an opportunity for what is there currently which is single family houses. Resident asked if the applicant would he be able to rezone that for different residential uses. Any rezoning would have to go through the same process.

**Fred Milgram, 703 Village Lane**

Mr. Milgram has concerns about traffic in town and sees some benefit in the project but it's not perfect. It would dress up the corner and make it more user friendly. There are logistical advantages to having a gas station on that side of the road.

**Resident, Valleyview Road**

Resident noted that prior to applicant buying the properties the houses were already in disrepair. He noted that traffic is backed up going into Dunkin Donuts in the morning, blocking traffic. A coffee shop on the other side of the road would free traffic.

**Resident, Rawson Road**

Resident asked how this would benefit the town other than taxes and traffic because the town should also be about a good place for your families to live. Resident commented we don't need another gas station.

**Jim Fitzpatrick, 62 Wrentham Manor**

While Mr. Fitzpatrick is concerned that this was some form of blackmail, that has no bearing on this stage. He commented that we have a mess and traffic problems and have to deal with that.

**MJ on Cedar Hill Roadz**

~~Resident reiterated traffic concerns and agrees it's about the community and neighbors. She commented that there has been police training allowed in the homes, that's why illegally allowed.~~ Striken?

**Eda Magri, Cedar Hill Road**

Ms. Magri commented that there was police training at those homes, and she came to town hall to complain.

**Resident, 1 Cedar Hill Road**

Resident commented that he also witnessed a police training session at these homes.

**On a motion made by Brian Salisbury, seconded by Phil Devine, the Board voted to close the public hearing (4-0)**

**Roll Call Vote**

William F. O'Connell Jr. (WFO), Chairman	aye
Brian T. Salisbury (BTS), Vice Chairman	aye
Philip M. Devine (PD), Member	aye
Dennis J. Trebino (DJT), Member	aye
Robert Lussier (RL), Associate Member	no vote

Member Salisbury agrees that something has to be done in this area, and residential zoning won't work longer in the future, but a piecemeal solution and rezoning portions is not the best solution. He disagrees with applicant that this is a better alignment. Adding a commercial element to existing infrastructure wouldn't help. The state will give money to fix the road, and easements can be done to widen and correct.

The Chairman agrees this is not the best use. It will take a 2/3 vote at Town Meeting. He reminded the meeting that all they're doing is giving their recommendation to the town meeting. Mr. Devine commented that current conditions of the property notwithstanding, this is more about the infrastructure and change of zoning and he's looking at this holistically.

**On a motion made by Brian Salisbury, seconded by Phil Devine, the Board voted not to recommend the article to Town Meeting and to close the hearing.**

**Roll Call Vote**

William F. O'Connell Jr. (WFO), Chairman	aye
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Brian T. Salisbury (BTS), Vice Chairman	aye
Philip M. Devine (PD), Member	aye
Dennis J. Trebino (DJT), Member	aye
Robert Lussier (RL), Associate Member	no vote

## **ARTICLE 18. MARIJUANA USES OVERLAY DISTRICT**

- Submitted by: Maria Fresola, 25 Dolly Drive, Worcester, MA 01604

**On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted to open the public hearing (4-0)**

### **Roll Call Vote**

William F. O'Connell Jr. (WFO), Chairman	aye
Brian T. Salisbury (BTS), Vice Chairman	aye
Philip M. Devine (PD), Member	aye
Dennis J. Trebino (DJT), Member	aye
Robert Lussier (RL), Associate Member	no vote

The Town Planner reviewed that the town of Bellingham was originally a “yes community” in 2016, meaning the town had to make local regulations. Following that the town approved cultivation only and prohibited everything else. Tonight, this adds those other marijuana uses including retail sales to be allowed within a certain area of town along Williams Way. This is a new applicant.

Nick Adamopoulos and Josh Fresola presented on behalf of the applicant who’s proposing to expand the current bylaw to allow for other uses of marijuana including adult use retail. They have spoken to the owner of 168 Mendon Street, which is now vacant, at the corner of Mendon and William Way allowing them the frontage per the article. If approved, they would come back with a site plan and special permit to build there and house this project. The town mandates negotiations with the Selectboard for a host community agreement, including any costs the town incur that the applicant will pay for. Under the host agreement, up to 3% of sales can go back to the town for any associated costs. After that, there would be a community outreach meeting with abutters, including an overview of the project. They would ask for a letter of approval from the Police Chief as part of the application. Then they would put together a provisional license application with the CCC, showing they understand all regulations and how to implement them inside the store. The CCC would issue a provisional license which only allows the building of the facility. They would come back to the town for a site plan review for a special permit for specific use. They can allow the Board to see the security plan but can’t make it public. Ninety-five percent of the building is under camera, except bathrooms. Any area with product is under camera review. There’s a secure vault with mesh, panic alarm buttons, intrusion alarms and motion detections. Once a special permit is issued and appeal period passed, they would file with

the registry, build the facility, and ask state to walk through to check SOP's, registered employees, and specific trainings mandated, before a formal vote of CCC where a final license is issued. Then the town and police chief do a walk through. The seed to sale system tracks the product from cultivation to sale. Report issued to the Chairman of the CCC with 72-hour window before they can open. This meeting is only for the district to be put in place, as this area has been allowing cultivation. A full traffic study would be presented during the special permit process, will generally mandate 15-18 additional parking spots for busy periods. There is a revenue benefit, for the town. The host agreement pays 3% of gross on a quarterly basis. Town gets a 3% fee from the consumer, sent to the state who sends it back to the town. Also, a 6 ½% sales tax, and the state tax.

Associate Member Lussier is concerned with security, and Mr. Adamopoulous reviewed the security plan. There are 350 degrees cameras in vault. Any product is on camera, when it's weighted it has to be zoomed in by CCC who has access to cameras. Their security officers offer the police the ability download the software, so they have access. There are panic alarms, motion detecting alarms, and outside cameras. No underage sales, buyers must be 21 with ID checked at the door by a 3<sup>rd</sup> party security and swept again at sale. It allows the business to track who's in store to make sure no one is going over allowed amounts. There is security in the front, and a panic alarm at the registration door. The plan is given to police chief, and their review given to CCC to make sure all areas are ventilated properly, and the security overlay sent. The document can't be made public, but during the special permit application, the Board will be able to see it and ask questions. No product in retail area at night, and a backup generator for power loss. Camera footage is on hardware for at least 90 days. Associate Member Lussier asked what the process is to add more stipulations in zoning bylaws. The Town Planner replied that if it's not amended on town floor, would have to be a modification of the zoning bylaw, which is a secondary process at another town meeting. Associate Member Lussier noted that odor control isn't well written in zoning bylaws. He'd like to add literature in the bylaws for the overlay district. Mr. Adamopoulous said the host agreements are generally reviewed every five years. Generally odor issues are covered in the host agreement, and any expense the town incurs to deal with it goes to applicant. The product is stored in the vault. Odor is mitigated because the product is mostly already packaged. The Chairman reviewed that the Board have gone into great depth and know that sniffer dogs can determine what the aroma was and where.

Member Trebino is concerned that this overlay turns this area into marijuana way. Mr. Adamopoulous replied that they chose that spot because the town has cultivation there, so spot zoning wouldn't be necessary, and the lot at end of the road was available. They are only looking at that one spot. Member Trebino asked if finished product is sold there and that is correct. Product is from state sponsored manufacturers and tested by labs. Products will depend on market shifts, including edibles. After covid there is an abundance. Most consumers are educated



on the products, the average age is 53 years old. They can't have medical marijuana. No drone delivery, all brick & mortar and no delivery.

The Town Planner confirmed that the town has one cultivation facility operating and one permitted and close to operating. There is also a use variance for manufacturing for the facility not yet open. Member Salisbury commented that the amount of regulations this industry has to go through is breathtaking. They are established businesspeople, and there will be no on-site consumption. The Chairman was concerned that the warrant is far reaching and goes beyond sales. There is an error on the original application. 48-16 isn't a parcel, so not incorporated. They don't have plans for a treatment center but would allow for that down the road. The Town Planner clarified the definition of marijuana establishment as a marijuana independent testing laboratory, marijuana product manufacturer or marijuana retailer as defined in MGL section 1, but not including cultivator, which is defined separately.

The Chairman asked the applicant why Bellingham as it's been voted down here previously. The applicant replied that the towns around have begun to open their own stores and have seen increased revenues. Bellingham is close to a major highway. That area is not heavily residential, and close to neighboring states where sales are coming from. The Chairman asked if we're oversaturating the market, and the applicant replied that these stores are paying a 60% tax rate. If this becomes a federally descheduled item, they will make even more money. The Chairman thinks the demographics in town might not be ideal at town meeting. He questioned if marijuana leads to other things. The applicant replied that they've been doing for a while, and there is no correlation to using harder drugs. The cause of that is usually price point, or individual addicted to percocets. There are no increased uses in other towns with hard drug use, instead people are using it medicinally. Member Devine asked why the other abutting properties weren't included, and the applicant replied they're not trying to exclude any other business. This was the easiest way to access the street. The Town is capped at 20% of liquor licenses, so they can only issue a limited number of permits based on that number.

**The Chairman opened the meeting to the public.**

**Ken Hamwey, Wethersfield Road**

Mr. Hamwey presented information against the proposal, quoting articles on drug overdoses and officer Thomas Clardy. He believes the proposals won't stop at 2, and the public will be at risk with public safety stretched thin. He is concerned about people using the products in the parking lot at the point of purchase, and that the money will not be guaranteed to police and fire as other communities have been promised upgrades that didn't get them. The new revenue will not reduce taxes, and growth is out of control. He believes marijuana is a gateway drug. A majority present shared that opinion. The applicant responded that the town can direct revenue to certain funds through their host agreements, and purchasers have to be over the age of 21.

### **Resident, 140 Mendon Street**

Resident has concerns about a project started 5 years ago which isn't completed and why nothing is being done there. How do we know this isn't going to happen here? Resident questioned why 14 lots were included. The Chairman also has issues about the size of gravity of the application. The Town Planner reviewed the 2 buildings under construction, which have taken a long time, but the town cannot control that. The Planning Board granted those, and construction has begun. One building has been sold and changed hands. The applicant clarified that the only parcel they care about is this one, did want to spot zone one. Host agreements can address this, and retail is easier to build out than manufacture.

### **Resident, 40 Mendon Street**

Resident asked why all the lots are included. The Chairman clarified the terminologies under the marijuana overlay district and purposes. This was written and designed by the applicant who are using definitions from the CCC's statute and guidelines. This rounds out the different types of uses expressed in law, and potentially allowed in overlay district. This allows for additional uses; the map indicates where anyone could put that type of use.

### **Chief Daigle**

Chief Daigle said the industry is confusing. There are a lot of products. The police and Board of Health have issues with the 5 stores that sell products. The Chief doesn't think that because everyone is doing it, we should. The only good thing is money for the town, but a lot of issues aren't ironed out still. He thinks we should be in a holding pattern, as many issues are confusing. There could be a full-time compliance matter.

Resident Ken Hamwey noted 30% of kids in Bellingham High School said they've used marijuana, and it's probably higher.

### **Vincent Forte, Bellingham Board of Health**

Mr. Forte said the project is too inclusive with too many parcels. He believes we don't need another with the others are close, and the overlay is too inclusive. It should be a single proposal.

**On a motion made by Brian Salisbury, seconded by Phil Devine, the Board voted to close the public hearing.**

### **Roll Call Vote**

William F. O'Connell Jr. (WFO), Chairman	aye
Brian T. Salisbury (BTS), Vice Chairman	aye
Philip M. Devine (PD), Member	aye
Dennis J. Trebino (DJT), Member	aye
Robert Lussier (RL), Associate Member	no vote

**A motion made by Brian Salisbury to recommend the article to Town Meeting was not seconded.**

Member Salisbury understands the concerns about usage, but from a zoning point of view he's not concerned with 14 parcels, because each parcel subject to licensing and permitting and limited numbers. Most nearby communities have retail establishment. These establishments are overly regulated.

**On a motion made by Dennis Trebino, seconded by Phil Devine, the Board voted 3 – 1 not to recommend the article to Town Meeting, with Brian Salisbury voting against.**

Roll Call Vote

William F. O'Connell Jr. (WFO), Chairman	aye
Brian T. Salisbury (BTS), Vice Chairman	nay
Philip M. Devine (PD), Member	aye
Dennis J. Trebino (DJT), Member	aye
Robert Lussier (RL), Associate Member	no vote

**ARTICLE 21. ACCEPTANCE OF ROGER STREET AS A PUBLIC WAY**

- Submitted by DPW Director

**On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted to open the public hearing.**

Roll Call Vote

William F. O'Connell Jr. (WFO), Chairman	aye
Brian T. Salisbury (BTS), Vice Chairman	aye
Philip M. Devine (PD), Member	aye
Dennis J. Trebino (DJT), Member	aye
Robert Lussier (RL), Associate Member	no vote

**On a motion made by Brian Salisbury, seconded by Phil Devine, the Board voted to waive the reading of the article.**

Roll Call Vote

William F. O'Connell Jr. (WFO), Chairman	aye
Brian T. Salisbury (BTS), Vice Chairman	aye
Philip M. Devine (PD), Member	aye
Dennis J. Trebino (DJT), Member	aye
Robert Lussier (RL), Associate Member	no vote

The Town Planner reviewed that the article has been approved by the DPW director and recommends acceptance. Historically, the Town has worked toward accepting as many streets as possible due to concerns with liability and insurance. There's no reason it should not be accepted. The Town Planner said that if this was a new street, the Board would hold the applicant to a standard to build a public way, but this street does not meet those standards. The town is taking on responsibility and future maintenance, but historically we have accepted these roads. Member Devine asked if the two pieces with an area not included are a paper road? Planner Kupfer replied those are wetlands.

**On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted to close the public hearing.**

Roll Call Vote

William F. O'Connell Jr. (WFO), Chairman	aye
Brian T. Salisbury (BTS), Vice Chairman	aye
Philip M. Devine (PD), Member	aye
Dennis J. Trebino (DJT), Member	aye
Robert Lussier (RL), Associate Member	no vote

**On a motion made by Brian Salisbury, seconded by Dennis Trebino, the Board voted to recommend the article.**

Roll Call Vote

William F. O'Connell Jr. (WFO), Chairman	aye
Brian T. Salisbury (BTS), Vice Chairman	aye
Philip M. Devine (PD), Member	aye
Dennis J. Trebino (DJT), Member	aye
Robert Lussier (RL), Associate Member	no vote

**Adjourn:**

**On a motion made by Brian Salisbury, seconded by Phil Devine, the Board voted to adjourn the meeting at 10:27 pm.**

Roll Call Vote

William F. O'Connell Jr. (WFO), Chairman	aye
Brian T. Salisbury (BTS), Vice Chairman	aye
Philip M. Devine (PD), Member	aye
Dennis J. Trebino (DJT), Member	aye
Robert Lussier (RL), Associate Member	no vote

Respectfully Submitted,

Amy Bartelloni  
Recording Secretary  
Approved 5.11.22