



Town of Bellingham

BOARD OF SELECTMEN

10 Mechanic Street

Bellingham, Massachusetts 02019

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June 8, 2020

The Board of Selectmen meeting was called to order remotely at 7:00 PM by Chairman Daniel Spencer using Zoom Technology. A roll call confirmed all members of the Board were participating. Also actively participating in the meeting was Town Administrator Denis Fraine and Administrative Assistant Hilarie Allie. The remote meeting was being monitored by Jim Kupfer, Town Planner and Zoning Officer. It was determined by Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place that no in-person attendance of Board members or any member of the public would be permitted at this meeting. This meeting was accessible to the public via the Zoom online option.

7:00 PM – Public Hearing on the application of Devlin's Tavern, Inc., Elizabeth Devlin, Manager, to alter the premises by adding outdoor seating to the sidewalk area in front of the restaurant and extending their All Alcohol License to this area. The Public Hearing will be held in an online virtual meeting room via Zoom Technology. The link can be found on the Town's website at Bellinghamma.org under the Virtual Public Meeting Tab. The premises to be altered is located at 15 North Main Street Units C10 & C 11.

Mr. Spencer read the Public Hearing.

Mr. Kupfer stated that the Inspection Team consisting of himself, Deputy Fire Chief Mark Poirier, the BOH Agent Bruce Wilson and the Building Inspection Tim Aicardi, went to all the restaurants who were proposing an extension of their alcohol licenses and performed a walk through as well as performed a security and safety check. They approved all the extensions that were presented to them and are very much in support of these restaurants opening. Mr. Martinis asked about the seating capacity listed on the applications and Mr. Kupfer stated the inspection team came up with a safe number of tables that would be allowed outside meeting all safety and fire precautions. It was noted that some establishments listed the total seating capacity of the restaurant including inside and some listed the seating capacity for just the extension. Ms. Devlin stated she would like to permanently alter her license to allow for outdoor patio service.

Mr. Spencer asked if there was anyone on the call who wished to comment on the Public Hearing. With no comments the Board unanimously moved on a Martinis/McNulty motion to close the Public Hearing. Under discussion Mr. Connor confirmed with the applicant that the seating would be in the front of the building and not in the parking lot. Mr. Martinis stated he thought the Board needed to treat her business like all other businesses that had come before them with an application to alter their license by extending to outdoor service. He felt she needed to have a fence and a better barrier for not allowing the public to access the seating area from the parking lot as opposed to just being on the sidewalk. On a Martinis/Connor motion the Board unanimously voted to

approve the application as presented and agreed to submit her application to the ABCC to permanently alter her liquor license by adding outdoor seating to the sidewalk area in front of the restaurant and extending the All Alcohol License to this area. As part of the approval, the applicant agreed she would come before the Board again in the winter/spring timeframe to present her exact modifications to include a barrier or fence of some type.

7:05 PM – Public Hearing on the application of Bellingham Palace Pizza, LLC, George Hatjopoulos, Manager, to alter the premises by adding additional seating outside of the restaurant and extending the Wine & Malt Restaurant License to this area. The Public Hearing will be held in an online virtual meeting room via Zoom Technology. The link can be found on the Town's website at Bellinghamma.org under the Virtual Public Meeting Tab. The premises to be altered is located at 90 Pulaski Blvd.

Mr. Spencer read the Public Hearing.

Mr. Spencer reiterated that the inspection team had been down to visit what Bellingham Palace Pizza had presented and approved their extension and was very much in support of them opening. Mr. Spencer asked if there was anyone on the call who wished to comment on the Public Hearing With no comments, on a Martinis/Connor motion, the Board unanimously voted to close the Public Hearing. On a McNulty/Biagi motion, the Board unanimously approved the extension of the Wine & Malt Restaurant License to the patio seating at Bellingham Palace Pizza per the executive order of the Governor granting the Local Licensing Board authority to approve these applications during the State of Emergency.

7:10 PM – Public Hearing on the application of PJ's Bar & Grill, Inc., Paul Rogers, Jr., Manager, to alter the premises by temporarily extending the patio area to the parking lot and extending their All Alcohol Restaurant License to this area. The Public Hearing will be held in an online virtual meeting room via Zoom Technology. The link can be found on the Town's website at Bellinghamma.org under the Virtual Public Meeting Tab. The premises to be altered is located at 191 Mechanic Street Unit 9.

Mr. Spencer read the Public Hearing.

Mr. Spencer asked if there was anyone on the call who wished to comment on the Public Hearing. Hearing no comments, the Board unanimously moved on a McNulty/Biagi motion to close the Public Hearing. On a Martinis/Biagi motion, the Board unanimously approved the extension of the All Alcohol Restaurant License to the additional seating at PJ's Bar & Grill per the executive order of the Governor granting the Local Licensing Board authority to approve these applications during the State of Emergency.

7:15 PM – Public Hearing on the application of JPM Management LLC, d/b/a Rock N Coal, Anna Clarke, Manager, to alter the premises by adding outdoor seating in the parking lot and extending their All Alcohol Restaurant License to this area. The Public Hearing will be held in an online virtual meeting room via Zoom Technology. The link

can be found on the Town's website at Bellinghamma.org under the Virtual Public Meeting Tab. The premises to be altered is located at 799 South Main Street Unit 4.

Mr. Spencer read the Public Hearing.

Mr. Spencer asked if there was anyone on the call who wished to comment on the Public Hearing. Mr. Biagi asked how many tables they would have set up outside. Mrs. Clarke responded she would have 12 tables of six with barriers surrounding the area. With no further questions or comments, the Board unanimously moved on a McNulty/Martins motion to close the Public Hearing. On a Martinis/McNulty motion, the Board unanimously voted to approve the extension of the All Alcohol Restaurant License to the additional seating at Rock N Coal per the executive order of the Governor granting the Local Licensing Board authority to approve these applications during the State of Emergency.

7:20 PM – Public Hearing on the application of Phantom Food Corp., d/b/a Grump's, Brian Lahousse, Manager, to alter the premises by adding outdoor seating in the parking lot and extending their All Alcohol Restaurant License to this area. The Public Hearing will be held in an online virtual meeting room via Zoom Technology. The link can be found on the Town's website at Bellinghamma.org under the Virtual Public Meeting Tab. The premises to be altered is located at 190 Pulaski Blvd.

Mr. Spencer read the Public Hearing.

Mr. Spencer asked if there was anyone on the call who wished to comment on the Public Hearing. Mr. Biagi asked how many tables would be outside and Mr. Kupfer stated there would be a maximum of 12 tables. Justin Flynn of 11 Essex Street stated he had concerns about the restaurant serving food and liquor outside until 1AM as the parking lot is in a residential area and he has young children. Mr. Connor asked if he would be comfortable with a 10PM restriction on weekdays and an 11PM restriction on weekends and he stated he and his wife would be fine with that. Mr. Lahousse asked if Thursdays could be part of the weekends and both parties agreed. With no further questions or comments, the Board unanimously moved on a Biagi/McNulty motion to close the Public Hearing. On a Biagi/Connor motion, the Board unanimously voted to approve the extension of the All Alcohol Restaurant License to the additional seating in the parking lot at Grumpy's until 10PM Sunday-Wednesday and until 11PM Thursday- Saturday per the executive order of the Governor granting the Local Licensing Board authority to approve these applications during the State of Emergency.

On a McNulty/Biagi motion the Board unanimously voted to approve the extension of the All Alcohol Restaurant License to the additional seating area in the parking lot at Uno's Bar & Grill per the executive order of the Governor granting the Local Licensing Board authority to approve these applications during the State of Emergency.

On a Biagi/Martinis motion the Board unanimously voted to approve the extension of the All Alcohol Restaurant License to the existing outdoor seating at Beef Barn per the

executive order of the Governor granting the Local Licensing Board authority to approve these applications during the State of Emergency.

Mr. Don DiMartino, DPW Director

Mr. DiMartino stated as far as PFAS results they still have not received those from the State so that is on hold as of right now.

Mr. DiMartino stated the Easement Acquisition Appraisals were received for the parcels that will be affected due to the significant widening of the Town Center project and the amount of the appraisal was \$701,500. This funding will be requested at Town Meeting. A vote will be needed once the funding option is determined.

On a Martinis/Connor motion the Board unanimously voted to approve the CRPCD Capacity Request for the Curtis Pond Apartments.

Stormwater Rate Setting Discussion

Mr. DiMartino stated the Town will need to set the Stormwater Utility Rates in order to generate the funds that will be used to cover the costs needed to comply with the MS4 Permit and regulations. It would make sense to base the system on the Equivalent Residential Unit (ERU) which is based on the amount of impervious surface of each individual property owner. He stated Tighe and Bond did an extensive GIS study and determined that the average single family residential impervious service is 3,025 square feet which will be equal to 1 unit. He stated Tighe and Bond looked at the units, the overall impervious surface of the Town and the budget of 750,000 to meet the regulations and came up with a suggested fee schedule which is attached. A single family home will pay 1 ERU, a two and three family home will be 2 ERU's and there will be 4 tiers for parcels up to 35 ERU's for non-residential and large residential (4 or more units). Any property over 35 ERU's (the greatest impervious surface) will be assessed a fee based on their total ERU's with a maximum cap of \$12,000. Credits of up to a maximum of 30% bill reduction will be available to property owners who have systems in place that recharges and treats runoff.

Mr. Spencer stated these fees are a result of unfunded federal mandates imposed on the Town.

Mr. Connor stated he is opposed to the \$12,000 cap and asked if a parcel fell into the \$12,000 cap would that property still be eligible for the 30% credit for mitigation. Mr. DiMartino stated that will be part of the credit manual and to answer Mr. Connor's question you cannot receive an additional credit if you are being billed at the max \$12,000 cap. Mr. Spencer asked if the Board's goal this evening was to establish the fee structure. Mr. DiMartino stated the Board needs to (1) determine what 1 ERU value is per quarter or annually; right now, it is presented at \$24 per quarter and everything else calculates up from there and (2) accept the fee structure. Mr. Connor stated he would like to be consistent on all the enterprise funds and perhaps think about splitting the fee per quarter to \$18 for the operating budget and \$6 for the capital and give the seniors a discount on the \$6.

A McNulty/Martinis motion was made to adopt the Fiscal Year 2021 and 2022 Fee Schedule for Single Family Resident Equivalent Residential Rate of \$24 as presented on the attached fee schedule. Under discussion Mr. Connor and Mrs. MacKinnon discussed the senior discount and how it would be reflected on the bill. The amended motion by Mr. Connor and then seconded by Mr. Martinis stated that in addition the other capital charges will be reviewed and the senior discount should be consistent with the senior discount in the Town's other enterprise funds and these discounts will be offset from a potential raise in the maximum capped fee which is to be determined.

Town Administrator Report

Mr. Fraine stated that after the lengthy Stormwater discussion he would like Mr. Connor and maybe another Board member to meet and come up with different scenarios that the other committee hadn't come up with before.

At the last meeting the Board voted to refer to themselves as the Select Board. This change will be made at the next Charter review in 2023. The Board can continue to refer to themselves as the Select Board but for legal documents the Board of Selectmen should be used.

Silver Lake opened without any problems and the playgrounds will be opening soon.

Mr. Fraine asked the Board what they thought about continuing the ABMI cable show at 10AM and it was determined that it would conclude this week.

Mr. Martinis asked Mr. Fraine what the plans were for the Town Meeting that is scheduled for June 22nd and Mr. Fraine stated as soon as the election was over, they would start planning but the general preference would be to do it indoors in the auditorium.

Mr. Connor asked if there was any update on Sunoco and Mr. Fraine stated he has not had a recent update, but he knows there is an arrangement in place to move so many vehicles off the property a week. Mr. Martinis stated he has noticed that there are fewer vehicles.

Mr. Connor asked about the utility pole on Maple street. Mr. Fraine stated the electrician has been in contact with Eversource and the property owner to get things started but it was delayed again because of COVID.

Mr. Connor asked about returning to Town Hall for meetings and Mr. Fraine stated the issue is that we are restricted on the number of people that can come into the building and it would limit access to the public.

Mr. Martinis stated there had been an issue over the weekend with a tractor trailer truck thinking they could access the Amazon warehouse from High Street and when they realized they couldn't it started backing up on High street towards Maple Street. He asked Mr. Kupfer if he was able to reach out to Amazon about this issue and Mr. Kupfer said

that he had, and they would look into it for us. Mr. DiMartino is working on signs to help the situation.

On a Connor/Biagi motion, the Board unanimously voted to approve the end of fiscal year 2019 interdepartmental budget transfers in the amount of \$36,536 as presented by Mary MacKinnon, CFO.

On a Biagi/Martinis motion, the Board unanimously voted to adjourn the meeting at 8:45PM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Hilarie J. Allie".

Hilarie J. Allie
Administrative Assistant