



BELLINGHAM ZONING BOARD

10 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019

Minutes of Meeting
Thursday, September 5, 2019

MEMBERS PRESENT:

Brian Wright (BW)- Chairman
James Dunlea (JD) – Vice Chairman
Arturo Paturzo (AP) – Member
Brian T. Salisbury (BTS) – Member
Peter Gabrielle (PG) – Member
James Jeschke (JJ) – Alternate Member
Joseph Flanagan (JF) – Alternate Member

ALSO PRESENT:

James S. Kupfer, Town Planner and Zoning Compliance Officer
Laura Renaud, Clerk

The Chairman opened the Zoning Board of Appeals meeting at 7:00 pm.

Lakeview Estates Comprehensive Permit Continuation:

Prior to the opening of the hearing, Chairman Wright recused himself.

Vice Chairman James Dunlea sat in as Chairman and began the proceedings on the continuation of Lakeview Estates Comprehensive Permit.

Members Present:

- James Dunlea, Brian Salisbury, Arturo Paturzo, and Peter Gabrielle.

The Applicant Representatives were:

- Bob Poxon, Site Engineer, Guerriere & Halnon
- Mike Harrington, Site manager
- South Center Realty Attorney

Town Planner and Zoning Compliance Officer Jim Kupfer began the meeting by providing an overview on the current situations at Lakeview Estates. At this point, the applicant is not completely done with the punch list. Since the last meeting, there continues to be issues with the drainage basin functioning properly at Silver Lake Road. There has been pumping of that basin. A plan was submitted to the Department of Environmental Protection (DEP). Site Manager, Mike Harrington explained there were issues with the basin caused by their efforts to be over zealous with the sediment and in doing so this impacted the ability of the water to leave the basin. The changes were submitted to the DEP. Mike Harrington communicated that the DEP has had changes in

personnel and the plan sat at the DEP for over a week and it wasn't reviewed. The Site Manager explained that the pea stone was taken out and the orifices were exposed. The Site Manager is confident that this can be easily fixed.

Acting Chairman Dunlea communicated:

1. The punch list has not been completed
2. The basin re-design needs to be reviewed by the DEP
3. A report of the progress needs to be done.

The applicant stated that DEP doesn't always look at plans right away. The applicant does not think they will have it all done by the next meeting. It was communicated to the representatives from Lakeview Estates that this project has been ongoing for four years and to date the infrastructure is not done. Since there are 26 homes, it is reasonable to ask for the infrastructure to be done. All the other surrounding homes are being affected by this. The abutters have documentation of the sediment. The lake is not usable. Site Manager, Mike Harrington responded that the intensity of the rain scoured the slope and that is where a lot of the silt came from in the pond. He also indicated that there was an extra filter system in place should have prevented it from going into the lake.

Abutters stated that the following problems still exist:

- Standing water (EEE concerns)
- Flooding
- Trails of sediment on the road and in driveways.
- Developer is not doing everything to help.

The Board agreed there were many concerns within this project. The applicant was informed that if all conditions are not met, there will be a Cease and Desist Order issued for all open building permits and no issuance of any new building permits to include the pending permits on hand at that time. There will also further discussion about a performance bond.

On a motion made by James Dunlea and seconded by Peter Gabrielle, the Zoning Board of Appeals voted unanimously to continue the hearing for Lakeview Estates to Thursday, October 3, 2019 at 7:00 pm.

Burton Woods off Sunken Meadow Road -Lot 2 Continuation:

- Hidden Meadow Road II Realty Trust – Edward Gately Trustee
Comprehensive Permit Request 40B

Members Present:

- Brian Wright, Brian Salisbury, James Dunlea, Arturo Paturzo, and Peter Gabrielle.

The Chairman opened the continuation hearing for Burton Woods.

The Board was made aware that since the last meeting, the town received a revised plan set along with a response to peer review from G & H Engineering as well as a site line peer review from our engineers at PSC. There is no response to comments yet from PSC for G & H since this document just came in.

The applicant provided an overview of the revision of the plan. The main revisions were the site line, confirm adequacy of drainage rear basin and making sure the water is infiltrating directly into the ground. The Engineer for G & H reviewed the storm water management for the applicant, and he communicated that all the run off goes from the roof into the ground. There are 2 chambers for every structure. The Board was informed that the town consultant will provide a formal review and report back. The applicant has gone to the Conservation Commission and will continue to work with them.

The Engineer explained that the plan has been revised to out every impervious surface. The pond was eliminated and there is now a small basin. There will be a temporary construction fence provided for erosion. There was a suggestion to have the temporary fence go near the town line and continue all the way down to then take a left and continue to the small stretch on the western most corners.

Consultant PSC has made some recommendations. If there are recommendations for the intersection, those need to be made to the Town of Franklin. The town can urge them but not make them to trim the shrubs, etc. The Board can request it be done since it is a safety issue. The applicant is seeking a waiver from the Wetland Protection Act. The Board was informed that it is the purview of them as to what standards they want to go by. Town Planner Kupfer wants to all the drainage functioning properly.

Member Dunlea recalled a letter from a residence that the MA laws have changed. This is something the Conservation Commission should review. The Engineer indicated that there is no room to further expand the basin. The applicant communicated that they are using current standards and the DEP feels that is adequate. The whole basin is designed around the standard. The Board heard from an abutter regarding the site line coming off Sunken Meadow Road. The abutter felt the new project was a modification of a subdivision. The Board explained that if there is concern with this then they need to go to Franklin ZBA and get them to weigh in. The applicant stated they are not modifying a subdivision. The abutter is concerned as it will be used as an access and this will fall on the abutters. The Board explained that the property owner does have the right to access. The professionals did review this, and it is their findings. The applicant stated it is a private site, it's not a subdivision and they have a letter to prove it. PG stated that if the board approves this permit then it is up to the applicant to proceed at their own peril. The tree line was discussed. The applicant explained these will be 18' pine trees on center. It is on the revised plans. The Board requested suggestions from the neighbors. The abutter said they will get together and submit a request by their neighbor who has knowledge of tree's.

On a motion made by Arturo Paturzo and seconded by Peter Gabrielle, the Zoning Board of Appeals voted unanimously to continue the public hearing for Burton Woods to Thursday, October 3, 2019 at 7:00 pm

24 William Way – William Way Partners, LLC.
Variance Request to allow for Marijuana Manufacturing

Members Present:

Member Arturo Paturzo recused himself and Joseph Flanagan will serve as the Alternate Member

- Brian Wright, Brian Salisbury, James Dunlea, Joseph Flanagan and Peter Gabrielle.

The public hearing notice for 24 William Way was read.

On a motion made by Brian Wright and seconded by James Dunlea, the Zoning Board of Appeals voted unanimously to open the hearing for 24 William Way.

The applicant Attorney Eli Leino began his presentation. It was explained that this is a small Industrial complex on William Way. The applicant would like a variance to allow for Marijuana Manufacturing on 24 William Way. It is not for distribution or sale. One half of the building would be office space and the other half for marijuana cultivation without the processing. This would be expanding the use. Unit 24 already has a permit issued for cultivation. This would be for cultivation and manufacturing. The Town of Bellingham started with just allowing for growth only. The Board questioned the hardship. The applicant explained they would be stuck with a large vacant structure that they couldn't use under their previously issued Special Permit. The Attorney explained that Unit 24 would just be for manufacturing and 26 for cultivation. The previously issued Special Permit does not allow for a shared use. This would allow a shared use between buildings making it a better use for the area. There is no substantial detriment to the public and it does not derogate from the purpose of the bylaw. Denis Fraine, Town Administrator was in attendance. He explained the Community Host Agreement accounts for manufacturing. It addresses the specific tenant. Member Gabrielle informed all that at the last meeting there was an abutter that had odor complaints. Jim Kupfer responded that his office has not received any new complaints since then. This abutter was in attendance. The applicant communicated that the operation did handle the concerns and a full review was completed. The applicant stated that the 50,000 square foot building is retro fit as not to have any problems. The systems are approved for cultivation. Most of the odor is during the drying process. Once vacuum sealed it is in a permitted vehicle and enters the other site. This is an organic extraction. There will not be any impact to the vehicles coming and going other than a few passenger vehicles and a few tractor trailers.

On a motion made by James Dunlea and seconded by Brian Salisbury, the Zoning Board of Appeals voted unanimously to close the hearing.

On a motion made by Brian Salisbury and seconded by James Dunlea, the Zoning Board of Appeals voted unanimously to grant the variance as requested.

Meeting adjourned at 10:40 PM

Approved 11/7/19

Minutes Accepted on

November 7, 2019
(Date)

Prepared by:

Laura A. Grace

Brian Wright

Arturo Paturzo

Peter Gabrielle

James Dineen

Brian Salisbury