



TOWN OF HOPEDALE
Planning Board
TOWN HALL
78 HOPEDALE STREET
HOPEDALE, MA 01747

Stephen Chaplin, Chairman
Kaplan Hasanoglu, Member
Jimmy Kohkar, Member
Carole Mullen, Member
Christopher Chase, Member

**Hopedale Planning Board
Meeting Minutes
Via Zoom Video Conference
November 15, 2023**

Recorded meeting can be found on the Town of Hopedale website under meeting videos.
The Chairman opened the meeting at 7:00 pm.

Members that were present: Stephen Chaplin, Chair
 Carole Mullen
 Christopher Chase
 Kaplan Hasanoglu
 Jimmy Khokhar

Applicants: Jeff Stefanik, Engineer from Guerriere and Halnon

Guests: Glenda Hazard, Len Guertin, Scott Savage, Liz Reilly,
 Patrick Melle

7:00 pm Request for endorsement of ANR Plan for land off of Fitzgerald Drive.

The applicants are Phil Schwachman, President of Hopedale Properties and Jon Delli Priscoli, Trustee of Grafton Upton Railroad.

Jeff Stefanik, Engineer from Guerriere and Halnon presented the plans for adjusting boundaries on Fitzgerald Drive. This does not involve creating new lots; just boundary line adjustments. Hopedale Properties would convey parcel A (28,346 square feet) to Grafton Upton Railroad and the Railroad will convey parcel B (4, 331 square feet) to Hopedale Properties (Draper Mill). Adjusting the boundaries is part of the long-term planning for the Draper property. Both parcels are considered non buildable lots.

Stephen Chaplin detailed the requirements for an ANR application which states the lots must be on a public way and have the required frontage. There is enough frontage but Fitzgerald Drive is not a public way. Stephen Chaplin is hesitant that the Planning Board has the legal authority to endorse this ANR. The alternative is for the applicants to submit a complete subdivision full plan.

Carole Mullen asked about the current court case involved with the applicants and the fact that there is an injunction in place on the Grafton Upton Railroad, restricting any changes with their operation. Jeff Stefanik remarked that the State Legislature is required as well to approve any Railroad boundaries changes. Carole Mullen questioned if this is appropriate for the Planning Board to opine on this at this time. Jeff Stefanik said this is the first step in changing the boundary lines. Until the deeds are approved, the boundary lines will stay intact.

Stephen Chaplin reviewed the ANR Handbook which is published on the Massachusetts Government website and the subdivision control law states that three criteria must be met for parcels to be endorsed under an ANR: (Chapter 41)

1. Lots must front on one of three types of ways
2. Must meet minimum frontage
3. Planning Board determines that the vital access exists

Stephen Chaplin questioned when Fitzgerald Drive was constructed, owned by Hopedale Properties. Carole Mullen stated it was built in 1965 connecting the Draper property to Route 16. Kaplan Hasanoglu reported that the Subdivision land rules were instituted in 1976. Stephen Chaplin stated that based on his own research the Subdivision Statute may have taken effect in Hopedale in 1953 notwithstanding the date on the Town's current subdivision regulations.

Chairman Stephen Chaplin requested a short recess at 7:21 pm so that he could research the ANR guidelines and previous case laws.

Stephen Chaplin reopened the discussion at 7:30 and was unable to find any case law comparisons of ANR requests where the parcels were not on a public way. He requested a letter from the applicants' attorney for his findings on similar cases and to continue the hearing to a future date. An email was sent to Mr. Stefanik to accept in writing for a continuance.

Chris Chase made a motion to continue the hearing to December 6, 2023, seconded by Kaplan Hasanoglu. Stephen Chaplin requested to amend the motion to include "with written confirmation of email approval of the continuance and if not agreed to in writing, to deny the ANR request without prejudice". Stephen amended it further to include "waiving the future filing fees". Amendments to the motion were seconded by Kaplan Hasanoglu. The motion to amend passed with all members in favor. On the full motion, all members were in favor.

Kaplan Hasanoglu made a motion to approve the minutes of October 4, 2023, seconded by Jimmy Khokhar. All were in favor.

Kaplan Hasanoglu made a motion to adjourn at 7:55 pm, seconded by Jimmy Khokhar. All were in favor.

Respectfully submitted,

Mary Arcudi
Planning Board Secretary