

**Town of Hopedale  
Decision of the Hopedale Zoning Board of Appeals  
December 15, 2021**

**Case: 3-2021**

Applicant(s): Lifted Genetics, LLC, and David Griffiths  
42 Holliston Street, Medway MA 02053

Property: 6 Condon Way (lot 14)  
Hopedale, MA 01747

Application Filed: June 17, 2021

Hearing Held: July 28, 2021

Continuation Hearings: September 15, October 20, November 15 and 17, December 15, 2021

Relief Sought: Applicant is seeking a special permit for construction of a new two-story building for cultivation of marijuana.

Decision: Following the closing of the public hearing on December 15, 2021, the special permit to construct a new two-story building for cultivation of marijuana was approved with a vote of 4 to 1 with the following conditions:

1. Compliance with Planning Board Conditions

The applicant shall comply with all Planning Board recommendations and conditions as set forth in the report of the Planning Board and transmitted to the Zoning Board of Appeals (unless specifically modified herein).

2. Hours of Operation

Hours of operation shall be daily from 6 a.m. to 8 p.m.

3. Compliance with Plans and Application Materials

The plans and application materials submitted by the applicant to the Planning Board and the Zoning Board of Appeals have been materially relied upon by these respective boards. The applicant shall comply with all plans, supplemental plans, and application materials that have been submitted. Any material deviation from these plans, supplemental plans, or application materials shall require approval from the Planning Board and the Zoning Board of Appeals. Any requests to modify Zoning Board conditions requires another application for a special permit, notice to abutters and other interested parties, and approval of the Zoning Board of Appeals.

4. Limited to Lifted Genetics, LLC, and David Griffiths

The special permit issued herein is expressly limited to Lifted Genetics, LLC, and David Griffiths. Any change in ownership will require another application for a special permit and notice to abutters and other interested parties, and approval of the Zoning Board of Appeals.

5. Limited to 5 years

The special permit granted herein is limited in duration to 5 years. This special permit shall expire 5 years from the date this decision is filed with the Hopedale Town Clerk. Another application for a special permit, notice to abutters and other interested parties, and approval by the Zoning Board of Appeals will be required to continue operations upon the expiration of this special permit.

6. Compliance with Signage Requirements in Zoning By-Laws

The applicant shall comply with all Hopedale Zoning By-Laws. In particular, the applicant shall comply with §§ 7 through 7.11 of the Hopedale Zoning By-Laws pertaining to signage requirements. Temporary signs and freestanding signs are not permitted. The applicant must contact the Hopedale Building Commissioner before adding any signage to the property.

7. Limitation of Water Usage

The applicant is limited to drawing 3200 gallons per day of water from the Hopedale municipal water supply. The applicant shall notify the Planning Board and the Conservation Commission within 20 days of any increase over 10% in projected or actual peak daily water use, and of any projected or intended use of fertilizer, pesticide, rodenticide, herbicide, or fungicide, whether organic or not, prior to use by the facility, beyond that specified in the Site Plan submitted as part of the Special Permit Application.

8. Disposal of Waste

The applicant will not discharge any wastewater or hazardous material of any kind from the growing operation into a septic system, surrounding landscape, or groundwater. The applicant will maintain a holding tank to collect liquid waste from the water treatment equipment within the growing operation. All wastewater from the growing operation will be removed on a regular basis and transported to an appropriate facility outside of Hopedale for disposal as authorized by law. A septic system, approved by the Hopedale Board of Health, may be used solely for normal domestic liquid waste from bathrooms and washrooms, but may not accept any liquid waste from the growing operation itself. The applicant will comply with all requirements of the Conservation Commission and Board of Health relative to storm water runoff.

9. Partnership Disclaimer

Nothing contained in any Host Agreement, Site Plan approval, Special Permit, Order of Conditions, building permit, or any other document executed by the town of Hopedale shall be construed as establishing any kind of joint venture or partnership between the applicant and the town of Hopedale.

10. Noise Limits

The applicant will make every effort to operate unobtrusively without generating excessive noise to surrounding properties. The applicant shall maintain all noise mitigation equipment and buffering materials to insure maximum efficiency and to prevent its processing or manufacturing process from being detected from surrounding properties by a person with an unimpaired sense of hearing. In the event that the Hopedale Building Commissioner reports a complaint regarding excessive noise to the applicant, the applicant shall respond within 5 working days with a plan to rectify the situation.

11. Odor Limits

The applicant will make every effort to operate unobtrusively without generating odors detectable at surrounding properties. The applicant shall maintain all odor mitigation

equipment to insure maximum efficiency and to prevent its processing or manufacturing process from being detected from surrounding properties by a person with an unimpaired sense of smell. No toxic discharges, whether detectable by smell or not, are permitted at any time. In the event that the Hopedale Building Commissioner reports a complaint regarding odors or the release of toxic materials into the environment, the applicant shall respond within 5 working days with a plan to rectify the situation.

12. Compliance with Lighting Requirements in Zoning By-Laws

The applicant shall comply with all Hopedale Zoning By-Laws. In particular, the applicant shall comply with § 7.11 of the Hopedale Zoning By-Laws pertaining to lighting requirements. No floodlights or other lights shall be placed so as to shine onto an adjoining property or placed so as to become a nuisance to surrounding properties.

13. Compliance with Screening Requirements in Zoning By-Laws

The applicant shall comply with all Hopedale Zoning By-Laws. In particular, the applicant shall comply with §§ 8.6-8.9 of the Hopedale Zoning By-Laws pertaining to screening requirements. The applicant shall maintain dense native evergreen vegetation along adjoining properties, public and private ways, around all parking areas, storage areas, loading areas, and dumpsters.

14. Compliance with State Law

The applicant shall comply with all laws of the Commonwealth of Massachusetts and all regulations of the Cannabis Control Commission.

15. Compliance with Host Agreement

The applicant shall comply with all provisions of the Host Agreement entered into with the Hopedale Select Board.

**Certification**

This is to certify that the above action was taken in compliance with the statutory requirements as set forth in Chapter 40A of General Laws, and that copies of this decision and plans referred to in this decision, if any, were filed with the Town Clerk on \_\_\_\_\_, 2021.

Special Permit or Variance is not in effect until the decision is recorded with the Worcester County Registry of Deeds and the building permit will not be issued until proof of recording is presented.

**APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PERSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING THIS DECISION IN THE OFFICE OF THE TOWN CLERK.**



**Christopher P. Hodgins, Chairman**

**Record of Proceedings  
Hopedale Zoning Board of Appeals**

**Case: 3-2021**

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42 Holliston Street, Medway MA 02053

Property: 6 Condon Way (lot 14)  
Hopedale, MA 01747

**Hearing Proceedings**

On June 17, 2021, Lifted Genetics, LLC, and David Griffiths filed an application for a special permit to construct a two-story marijuana cultivation facility at 6 Condon Way. The Zoning Board of Appeals (ZBA) scheduled a public hearing for July 28, 2021, and notified the Town Clerk, abutters, and other interested parties, and requested publication of the notice in the Milford Daily News.

The Town Clerk posted the hearing notice on July 2, 2021. The Milford Daily News published the first notice on July 8, 2021, and published the second notice on July 13, 2021.

The public hearing commenced on July 28, 2021, and has been continued by agreement to September 15, October 20, November 15, November 17, and December 15, 2021. A summary of these hearing dates is set forth below.

Hearing Date: July 28, 2021

On July 28, 2021, a public hearing opened on the application of Lifted Genetics, LLC, and David Griffiths. Members that were present included Chairman Christopher Hodgens, Sandra Biagetti, Scott Savage, Lou Costanza, Nick Alexander, and Secretary and Alternate Mary Arcudi. The applicant was represented by the following persons present: David Griffiths, Mike Griffiths, and Grant Pickering. Those in attendance via Zoom included Attorney James Valeriani, Brian Geardeau, Lee Gavin, Russ Tedford, Matt McGeorge, and Tim Watson.

David Griffiths and Attorney Valeriani briefed the ZBA on their tier 2 cultivation wholesale business plan with 6 grow rooms at 6 Condon Way. Lifted Genetics has a host agreement with Hopedale's Select Board and has a provisional license. The business will operate Monday through Saturday. There is adequate parking and plans for septic in place. They believe they meet all requirements of the 10.6 special permit which include no detriment to the neighborhood, hiring locally, aligns with Hopedale's Master Plan, roadway service is good and no hazard to public safety along with no undue traffic concerns. The original site plan was tentatively approved but needs further planning board approval with added changes including a second story.

Chairman Hodgens addressed the board and the applicant with the following concerns from the letter received with the application from the Mensing Group:

Page 2 - it states the operating hours are from 6:00 am to 7 pm but in the Cannabis Control documents it states 7 am to 5 pm. The applicant responded that the hours requested would be updated to the Cannabis Control once confirmed by the ZBA special permit.

Page 3 – It mentions hiring local businesses and vendors but the Cannabis Control form #10 states employees will be hired from Mansfield. The applicant responded that businesses hire from those communities most impacted adversely by marijuana. They will do their best to hire local Hopedale employees as well.

Page 4 Closing – The applicant states that this business at this site will have no known adverse impact to the Town or the area. Mr. Hodgins reviewed a business in Milford that was cited and received a considerably large fine for air emissions and hazardous waste violations. The applicant responded that the Milford company did not follow the rules regarding industrial waste. All unusable materials will be ground with soil and disposed of properly.

Page 4 #5 – The letter states that the applicant will utilize existing utilities at the industrial park for water supply and electricity and will be installing a septic system in compliance with Title 5 regulations. Mr. Hodgins inquired about how much water usage would there be per day. The applicant responded that the plan is to reclaim and reuse 80% of the water used. The marijuana plants do sweat and the water will be repurposed. Half a gallon of water per plant per day is needed.

ZBA member Scott Savage also noted his concerns.

There will be 24 employees and only 21 parking spots. The applicant responded that all 24 employees would not be there at the same time.

There is no kitchen in the site plan, and the applicant agreed there was no need for one.

Mr. Savage also expressed concern over hiring Mansfield residents over Hopedale residents.

Mr. Savage asked about the filtration system and even though there is a design in place to insulate and control the airflow, he asked for a wind study.

Mr. Savage noted that there are plans for the concrete pad to be on two properties, and he requested it be placed on only one.

Mr. Savage requested a traffic study.

Lou Costanza questioned the comment on page 4 #7 regarding ground water supply and wants details on where the industrial park drainage goes. The applicant will look into this and supply the board with more information. Mr. Costanza made a motion to continue the hearing to August 18 with mutual agreement of the applicants so that they may present additional information that was requested in the hearing. Nick Alexander seconded the motion, and all were in favor.

Continued Hearing Date: August 18, 2021

On August 18, 2021, Mr. Hodgins indicated that Lifted Genetics requested a continuance of the public hearing that began on July 28, 2021. Legal counsel for Lifted Genetics sent correspondence to the ZBA indicating a desire to further continue the public hearing into early September if possible. Counsel for Lifted Genetics signed a form entitled "Agreement Extending Time Limits for Public Hearing and Decision on Special Permit Application." Mr. Hodgins read the agreement for the benefit of the ZBA members and viewers, and signed the agreement on behalf of the ZBA. Mr. Hodgins noted that at the July 28 meeting, ZBA members agreed to continue the meeting into September if Lifted Genetics expressed such an interest. The ZBA continued the hearing to September 15, 2021.

Continued Hearing Date: September 15, 2021

With all members present, Chairman Christopher Hodgins opened the continuation hearing by indicating that the ZBA has been reviewing the application process and came upon an issue at its last meeting. There is a bylaw in Hopedale that states the Planning Board is first in approving the site plan before coming to the ZBA for special permit relief. Mr. Hodgins read section 18.4 of the ZBA Bylaws that state, "In cases where a development requires site plan review by the Planning 4 Board and a special permit from the Board of Appeals, the applicant shall file site plan and special permit applications concurrently. The Planning board shall review and take action on the site plan and shall submit a report with recommendations to the ZBA within 45 days of the receipt of the applications. The ZBA shall incorporate the Planning Board's recommendations and conditions in its special permit decision, or shall state in the decision the reasons why such recommendations or conditions were not followed." The Planning Board has the ability to hire engineers and experts to review the site plan along with other town boards before coming to the Zoning Board.

With that being said, the Chairman agreed that Planning Board input should come first but was willing to allow the applicants to present at this meeting and respond to questions and concerns heard at the meeting on July 28, 2021. Lifted Genetics Counsel, James Valeriani addressed the board and stated that he was well aware of this bylaw but was directed by the Planning Board Chairman to seek approval from the ZBA first before the site plan review would move forward. In 2019, there was a site plan review for this lot and because it was approved, and the footprint has not changed, and based on the direction by the Planning Board Chairman, he hoped to get ZBA approval first. If any modifications to the site plan were made, they would return to the ZBA for additional consideration. The applicant expressed its desire to present and if the ZBA was satisfied and if a positive vote were to happen they would then move to the Planning Board. Mr. Hodgins said that his inclination was to listen but would not entertain a vote on this at this hearing without the benefit of a report from the Planning Board.

Attorney Valeriani detailed answers to the issues presented at the last meeting. The septic is a single septic system. It is an underground double walled tight tank. Parking does meet the site plan requirements. There will be 2 handicap spaces included in the 21 total spaces. There will be 18 employees on site at one time as the work schedule was refined. Security will be on the premises 24/7. Hayes Engineering completed a traffic study. The projected increase in peak hour traffic represents between 2.5 percent and 3 percent of the peak hour traffic if all vehicles leave in the same direction. The percentages decreases to between .6 and .8 percent per direction if traffic was split

evenly. There is limited public access and traffic is attributed mainly to employees. Disposal Technology out of Sutton, MA will be contracted to handle waste disposal. Water usage totals approximately 2000 gallons a day and provided the board with an email from Tim Watson, Manager of the Water and Sewer Department stating that the usage is fine as it is just over 2 GPM throughout a 24-hour period. This is easier to handle than a high volume over a short period of time.

Mr. Hodgins believed the impact would be a hardship to the water supply, and for at least 20 years, Hopedale has had water restrictions. Mr. Hodgins read documents from the Water Department website indicating we are in the midst of water restrictions now: "Due to usage exceeding the departments pumping capability and our storage taken at critically low levels, we are forced to implement a stage 3 water restriction. No outside watering will be allowed between 9am and 5pm. During all other hours, outside watering will be allowed on an odd/even schedule by handheld device only. No sprinklers or automatic irrigation systems will be allowed and violations will be enforced with fines. Although groundwater levels are up from previous years, Hopedale like many other communities does not have the ability to pump the water quick enough to keep up with customer demand as well as maintain sufficient levels in our water storage for fire protection and system pressure."

Mr. Hodgins added that Hopedale has a limited supply of water from an aquifer and does not have a reservoir like Milford. The Department of Environmental Protection licenses Hopedale to pump around 400,000 gallons per day from that aquifer. Hopedale runs very close to that limit and has actually exceeded that limit in the past. Lifted Genetics proposes to use water that would be equivalent to about 10 residences. Water usage is a significant consideration for this project as well as others expected in the future.

Tim Watson commented that there is excessive usage from summer residents comparable to the usage Lifted Genetic would use daily. The problem is peak times in the summer. He restated that Lifted Genetics' water usage will not be adversely affecting the water pumping capacity, and they are working diligently to improve water issues.

Mr. Hodgins asked the applicants to consider a limit of usage and possibly bringing in their own water as well. The bylaw states the ZBA's mission is to consider the protection of water resources. Resident Brian Keyes had a question for Water and Sewer Manager Tim Watson on whether Hopedale has any commercial water restrictions and Mr. Watson replied that he couldn't restrict water for commercial businesses. In addition, they do not have the capabilities to monitor water usage. Resident Deb Hodgins applauded the board for caring about our water supply. Hopedale has a constant water ban. A school fundraising car wash could not go forward due to the water restrictions. There are also many potential developments coming forth, and these projects will require water.

Discussion continued on the proposed project. The structure will be a pre-fabricated building with an insulated wall and very tight securing a sufficient ventilation system. Each grow room is double insulated. All ventilation is self-cycling and the filtration system will be in place. Scott Savage also discussed that we can't guarantee 100 percent that any odor will be vented out of the building. The applicant reviewed the water discharge with the septic, the tight underground tank, which would be picked up from a vendor and the rain water/storm water which goes into the infiltration basin, which a majority of Condon Way uses. Scott Savage asked about a snow removal location because the parking is somewhat tight. He asked for a designated paved area for snow

removal. The applicant will consider removing the snow off site. Mr. Hodgins informed the applicant that Condon Way is a private way with no sidewalks. He reminded the applicant that there was a prior discussion about sharing parking. If this is so, there should be provisions made for workers to safely walk between parking lots without entering the roadway.

Mr. Hodgins agreed to speak with the chairman of the Planning Board to inform him of the situation concerning the by-law discussed above. In order to keep the process moving without any needless delay, the ZBA agreed to continue this public hearing further and keep this matter on its agenda at future meetings (regular meeting on third Wednesday of each month). That way, the applicant will have an opportunity to be heard by the Planning Board and return to the ZBA with a status update or a request to proceed. The applicant agreed and thanked the ZBA for its consideration. The meeting continued to October 20, 2021, for a status update on the Planning Board proceedings.

Continued Hearing Date: October 20, 2021

The ZBA reviewed the status of the application. The case is still before the Planning Board for site plan review. The matter is continued by agreement to November 15, 2021.

Continued Hearing Date: November 15, 2021

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Continued Hearing Date: November 17, 2021

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Continued Hearing Date: December 15, 2021

Attorney Jim Valeriani, representative for Lifted Genetics updated the board with the approval of the draft decision from the Planning Board (December 15, 2021). The peer review from Graves Engineering was completed and approved and all minor changes were added to the site plan. The dumpsters were split and now are easy to move if need be. The hours of operation will be 7 am to 6 pm seven days a week. The traffic report had no impact to this area, and a quick review was presented regarding the odor, lighting plan, and water usage. After consulting with the Water and Sewer Manager, Tim Watson, it was determined that they would use up to 3000 gallons of water a day and not overload the public water system. Their system uses pure water and not recycled water. Attorney Valeriani stated that the applicant would be in agreement with a condition limiting water usage to 3000 gallons a day.

Mr. Hodgins was content with the fact that the hazardous material is not being discharged into the ground. Nick Alexander still had concerns regarding traffic and it was reported that there would only be an additional 20 people traveling in this area. He also had concerns with any possible external odor. This building will be a brand new construction and will be tight and sealed. Scott Savage asked to review the specifications of the mechanical systems. The carbon filtration systems were reviewed; state of the art mechanical design will be implemented based on the building code.

Jim Valeriani reviewed the Planning Board decision that states that if there are any complaints of odor, remediation must be completed within 5 days.



Mr. Hodgins asked about the hours of operation because there seemed to be a discrepancy between the hours stated and the hours approved by the Planning Board. Attorney Valeriani confirmed that the hours of operation would be 6 am to 8 pm as approved by the Planning Board.

There were no public comments.

Chairman Hodgins at this time closed the public hearing for 4-6 Condon Way. Mr. Hodgins reviewed his suggestions for conditions. He added that the purpose is to make sure that the operation of the facility is consistent with the plans and the application submitted. These suggested conditions included:

1. compliance with Planning Board conditions
2. hours of operation 6 a.m. to 8 p.m.
3. compliance with all plans and supplemental plans presented
4. special permit limited to Lifted Genetics, LLC and David Griffiths
5. special permit limited to 5 years
6. compliance with signage requirements of zoning bylaws
7. water usage limit 3200 gallons per day
8. disposal as presented to make sure no discharge into the groundwater
9. partnership disclaimer as stated in host agreement with Select Board
10. noise limits / complaints (also noted by Planning Board)
11. odor limits / complaints (also noted by Planning Board)
12. lighting must comply with zoning bylaws
13. screening must comply with zoning bylaws (also noted by Planning Board)
14. compliance with state law
15. compliance with host agreement

Mr. Hodgins asked the applicants if there was any issue with the Conservation Commission. Attorney Valeriani stated that the project is “outside the buffers” and will not involve the Conservation Commission.

Scott Savage made a motion to approve the special permit for new construction of a two-story industrial building for cultivation of marijuana at 6 Condon Way (lot 14) with the following conditions:

Sandra Biagetti seconded the motion and the roll call vote was as follows:

Sandra Biagetti	yes
Nick Alexander	yes
Scott Savage	yes
Lou Costanza	no, as the federal law considers marijuana an illegal substance
Chris Hodgins	yes

Mr. Hodgins declared 4 of 5 votes in the affirmative is sufficient for the motion to pass. Motion passes in favor of special permit with conditions.

## Summary of Findings and Decision

The subject property at 6 Condon Way consists of 95,558 square feet (2.194 acres) of undeveloped land. The scope of the project is delineated in the following materials submitted by the applicant: (1) Site Modification Plan by Hancock Associates, (2) The Mensing Group LLC 5-page letter dated June 16, 2021, (3) Traffic Impact Statement by Hayes Engineering, Inc., (4) Techlight specifications, and (5) Hancock Associates letter dated November 17, 2021. Condon Way is a private road that forms a horseshoe loop with Rosenfeld Drive through a light industrial zone that consists of a variety of small business enterprises. The horseshoe loop intersects with Plain Street, a heavily travelled road primarily interspersed with residential, industrial, and light industrial properties. Pursuant to § 11.3 of the Hopedale Zoning By-Laws, a marijuana cultivation facility is a use permitted in a light industrial zone provided that a special permit is approved by the ZBA.

“The primary purpose of zoning with reference to land use is the preservation in the public interest of certain neighborhoods against uses which are believed to be deleterious to such neighborhoods.” Circle Lounge & Grille, Inc. v. Board of Appeal of Boston, 324 Mass. 427, 431 (1949). Special permit procedures have long been used to bring flexibility to zoning classifications by providing for specific uses “which are not allowed as of right because of their potential for incompatibility with the characteristics of the district.” SCIT v. Planning Bd. of Braintree, 19 Mass. App. Ct. 101, 109 (1984).

An applicant does not have “an absolute right to a special permit.” MacGibbon v. Board of Appeals of Duxbury, 356 Mass. 635, 638, 639 (1970). The decision to grant or deny “special permits is within the discretion of the board.” ACW Realty Management, Inc. v. Planning Board of Westfield, 40 Mass. App. Ct. 242, 246 (1996). “Special permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or by-law, and shall be subject to general or specific provisions set forth therein; and such permits may also impose conditions, safeguards and limitations on time or use.” G.L. c. 40A, § 9. Conditions may consider “protection of the neighborhood, the Town, and the natural environment” and may include limitations and restrictions designed to address specific features of the proposed use. Hopedale Zoning By-Laws § 10.6(e). Based upon the governing standard, the Hopedale Zoning By-Laws, the report of the Planning Board, and the facts presented at the hearings in the instant case, the ZBA exercises its discretion in favor of issuing a special permit with conditions.

A special permit may not issue unless the ZBA finds that “all of the requirements” of the Hopedale Zoning special permit criteria under Hopedale Zoning By-Laws §§ 10.6(d)(1)-(8) are satisfied. Based upon the information available at the public hearings, the ZBA concludes that if the applicant abides by the Hopedale Zoning By-Laws as amplified by the special permit conditions outlined by the ZBA, the special permit criteria will be satisfied.

The facility will not have “detrimental effects which outweigh its benefits to the neighborhood, town or zoning district in which it is located.” Hopedale Zoning By-Laws § 10.6(1). The facility is well-suited for the other properties on Condon Way. The ZBA has authorized the construction of a similar marijuana cultivation facility in close proximity on Condon Way. The proposed use is consistent with other uses in the business park, and the site plan is consistent with the other properties in the area. While there is at least one nearby residence on Plain Street, the proposal and conditions

establish ample screening, setback, noise, odor, and light restrictions to minimize the negative impact to other properties. Given the nature of the business park, the conditions of the ZBA, the conditions of the Planning Board, the conditions of the Conservation Commission, and the lack of any objections by the Hopedale Police, Fire, Highway, and Health Departments, the use will not “materially endanger or be hazardous to the public health and safety.” Hopedale Zoning By-Laws §10.6(3). Notably, there was no opposition by residents, abutters, or other interested parties.

The plans submitted demonstrate sufficient off-street parking. Hopedale Zoning By-Laws §10.6(4).

The proposed use will be sufficiently served by municipal water based upon the condition limiting municipal water consumption to 3200 gallons per day. Hopedale Zoning By-Laws §10.6(5).

There is no proposed or authorized connection to a municipal sewer, and the use is conditioned on the approval of the Board of Health for a septic system for domestic use. Hopedale Zoning By-Laws §10.6(5). Conditions expressly prohibit the applicant from discharging any wastewater or hazardous material of any kind from the growing operation into a septic system, surrounding landscape, or groundwater. The applicant will maintain a double-walled holding tank to collect liquid waste from the water treatment equipment within the growing operation. All wastewater from the growing operation will be removed on a regular basis and transported to an appropriate facility outside of Hopedale for disposal as authorized by law. A septic system, approved by the Hopedale Board of Health, may be used solely for normal domestic liquid waste from bathrooms and washrooms, but may not accept any liquid waste from the growing operation itself. Especially given the general proximity of wetlands and the nearby groundwater protection overlay district, the applicant must strictly comply with all requirements of the Conservation Commission and the Board of Health relative to storm water runoff, and must not contaminate ground water, wells, streams, ponds, watercourses, or wetlands. Hopedale Zoning By-Laws §10.6(6).

While there is some concern about the condition of the private road and the lack of sidewalks, the proposed use will not “create undue traffic congestion or impair pedestrian safety” given the circumscribed nature of the business in a very limited geographic area. Hopedale Zoning By-Laws §10.6(8).

The Master Plan is being developed and is not a factor that militates against a special permit. Hopedale Zoning By-Laws §10.6(2).

Based upon the foregoing, the ZBA hereby allows the application for a special permit with the following 15 conditions. Note that the ZBA is also incorporating the Planning Board’s recommendations and conditions in this decision pursuant to Hopedale Zoning By-Laws § 18.4.

1. Compliance with Planning Board Conditions

The applicant shall comply with all Planning Board recommendations and conditions as set forth in the report of the Planning Board and transmitted to the Zoning Board of Appeals (unless specifically modified herein).

2. Hours of Operation

Hours of operation shall be daily from 6 a.m. to 8 p.m.

3. Compliance with Plans and Application Materials

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7. Limitation of Water Usage

The applicant is limited to drawing 3200 gallons per day of water from the Hopedale municipal water supply. The applicant shall notify the Planning Board and the Conservation Commission within 20 days of any increase over 10% in projected or actual peak daily water use, and of any projected or intended use of fertilizer, pesticide, rodenticide, herbicide, or fungicide, whether organic or not, prior to use by the facility, beyond that specified in the Site Plan submitted as part of the Special Permit Application.

8. Disposal of Waste

The applicant will not discharge any wastewater or hazardous material of any kind from the growing operation into a septic system, surrounding landscape, or groundwater. The applicant will maintain a holding tank to collect liquid waste from the water treatment equipment within the growing operation. All wastewater from the growing operation will be removed on a regular basis and transported to an appropriate facility outside of Hopedale for disposal as authorized by law. A septic system, approved by the Hopedale Board of Health, may be used solely for normal domestic liquid waste from bathrooms and washrooms, but may not accept any liquid waste from the growing operation itself.

The applicant will comply with all requirements of the Conservation Commission and Board of Health relative to storm water runoff.

9. Partnership Disclaimer

Nothing contained in any Host Agreement, Site Plan approval, Special Permit, Order of Conditions, building permit, or any other document executed by the town of Hopedale shall be construed as establishing any kind of joint venture or partnership between the applicant and the town of Hopedale.

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The applicant will make every effort to operate unobtrusively without generating excessive noise to surrounding properties. The applicant shall maintain all noise mitigation equipment and buffering materials to insure maximum efficiency and to prevent its processing or manufacturing process from being detected from surrounding properties by a person with an unimpaired sense of hearing. In the event that the Hopedale Building Commissioner reports a complaint regarding excessive noise to the applicant, the applicant shall respond within 5 working days with a plan to rectify the situation.

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The applicant shall comply with all Hopedale Zoning By-Laws. In particular, the applicant shall comply with § 7.11 of the Hopedale Zoning By-Laws pertaining to lighting requirements. No floodlights or other lights shall be placed so as to shine onto an adjoining property or placed so as to become a nuisance to surrounding properties.

13. Compliance with Screening Requirements in Zoning By-Laws

The applicant shall comply with all Hopedale Zoning By-Laws. In particular, the applicant shall comply with §§ 8.6-8.9 of the Hopedale Zoning By-Laws pertaining to screening requirements. The applicant shall maintain dense native evergreen vegetation along adjoining properties, public and private ways, around all parking areas, storage areas, loading areas, and dumpsters.

14. Compliance with State Law

The applicant shall comply with all laws of the Commonwealth of Massachusetts and all regulations of the Cannabis Control Commission.

15. Compliance with Host Agreement

The applicant shall comply with all provisions of the Host Agreement entered into with the Hopedale Select Board.

Copies of this decision will be filed with the Town Clerk and sent to the applicant, abutters, interested parties, Panning Board, Board of Health, Water and Sewer Commission, Conservation Commission, and Building Commissioner.