



TOWN OF HOPEDALE  
ZONING BOARD OF APPEALS  
TOWN HALL  
78 HOPEDALE STREET  
HOPEDALE, MA 01747

Christopher P. Hodgens, Chairman  
Nicholas A. Alexander, Member  
Sandra E. Biagetti, Member  
Louis J. Costanza, Member  
Scott M. Savage, Member

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**Hopedale Zoning Board of Appeals  
Meeting Minutes  
September 21, 2022**

Chairman Christopher Hodgens called the continued public hearings to order on September 2, 2022 at 7:00 pm. Meeting was held in the Town Hall Draper Room, streamed live via Zoom and on Hopedale Cable Access.

Recorded meeting can be found on the Town of Hopedale website under meeting videos.

Members that were present:

Christopher Hodgens, Chair  
Nick Alexander  
Sandra Biagetti  
Scott Savage  
Lou Costanza

Town Administrator:

Diana Schindler

Applicants:

Edward McGrath, Olympia McGrath, Michael McGrath,  
William Buckley, Attorney Joe Antonelli

Guests:

Lewis Family, Walter Swift, Michelle Bird, Linda  
Ashworth, David Guglielmi, Mary Arcudi, Colleen  
Stone, Antonio Claro, Len Guertin, Tim Watson, Ann  
DeMattis, Lou Arcudi, Bryan Keyes, K Foley, Jason  
Talerinan, Hope Perkins, Chip Kivelhan, Brian Poitras,  
David Butler, Carole Mullen, Jeanne Russell, Michael  
O'Connell

Lou Costanza inquired about approval of past minutes questioned omissions in the drafts.

Chairman Hodgens provided a packet of documentation regarding the application from GFI for Mr. Buckley and those in the audience to review.

After a short discussion, Scott Savage made a motion to pass over accepting the past meeting minutes after all members have a chance to review them, seconded by Sandra Biagetti to the next meeting. All were in favor.

Lou Costanza asked for a review of what questions the chairman posed to town counsel regarding the GFI project. Mr. Hodgens stated he sent a letter recapping a phone call conversation with legal counsel to the ZBA members on August 21, 2022. The portion of the letter that addresses the question:

"I brought up the issue of legal opinions (written or otherwise) relative to the Rosenfeld Concrete property. Attorney Silverstein said that he has not provided any formal legal opinions relative to the Rosenfeld legal opinion about the Concrete property. Attorney Silverstein said that he has never been asked for a jurisdiction of the ZBA, and he has never provided such an opinion.

As to the last Planning Board meeting in early August (referenced above), Attorney Silverstein said that he did not provide any legal opinion on what went on at that meeting".

Continuation Hearing for Edward, Olympia and Michael McGrath– Case # 08-2022

The applicants are seeking unspecified relief to consolidate non-conforming parcels in order to construct a second single family residence on the properties. The hearing commenced on August 17, 2022, was continued by agreement and in writing.

Mr. Edward McGrath, stated his family has been residents in this house for 50 years and purchased additional surrounding property, with future plans to consolidate into one parcel. Many years ago, when the area was rezoned for Steel Road, their lots were inadvertently included and became non-conforming lot.

The applicants proposed three options to either construct a separate home on two lots with different plans and an option for a duplex, which is their preference.

The current plans and proposed plans were reviewed and the information was conflicting on each plan provided. The board did a review of the bylaws and setbacks needed, frontage needed, and what variances would be needed. In an RB zone, two family dwelling is not permitted.

Antonio Claro, 18 Steel Road and had reviewed the plans with the applicant, and he has no objection to this.

The board needed additional information and concrete details plans before making a decision.

They also reviewed how a zoning change could be made and the risk of claiming it is spot zoning.

Scott Savage made a motion to continue the hearing to November 16, 2022, seconded by Sandra Biagetti.

All were in favor.

#### Continuation Hearing - Case # 4 -2021

The applicant, GFI Partners, is seeking a special permit for new construction of a warehouse and distribution facility in a groundwater protection district at 75 Plain Street (Rosenfeld Concrete property).

The public hearing commenced on September 22, 2021. This hearing was continued by agreement with the applicant with a matter pending before the Board of Health.

Attorney Antonellis, came prepared to request a continuance to the next meeting as answers to questions previously posed had not been completed. He gave a brief update on what has transpired since the last meeting. The applicant had previously spoke with Bill Fischer, Board of Health Agent regarding meeting with the Board of Health. A presentation was made to the BOH at their public hearing regarding this project, including protection of the groundwater protection district and surface water protection. The BOH did vote in favor, finding compliance with BOH regulations. The applicant then went back to the Planning Board with a construction phasing plan, making a determination that this would get the project going. Reducing the size of building and pavement reduced the impervious surface. Mr. Antonellis stated that the ZBA had engaged in discussions where he was not present, as it was not on the ZBA agenda, pointed to provision requires special permit for a large structure. It was Mr. Antonellis' understanding that this was the question that was to be posed to town counsel, that if the impervious surface is less than 15%, is there a need for this special permit and the ZBA did not received an opinion of that fact. The applicant did amend the site plan with phasing and has worked with the Conservation Commission confirming the Order of Condition would be incorporated into the phasing plans. Mr. Antonellis asked for time to review the prepared packet of documents, by Mr. Hodgins and to review all questions posed to GFI including ZBA jurisdiction and bylaws.

Mr. Hodgins reviewed the jurisdiction portion of section 17.6 c of the ZBA bylaws. He stated that concrete manufacturing to a warehouse is a change of use and applies to Section 1. He also reviewed the overlay district language and believes the applicant still has to come to the board for the change of use. The Chairman reviewed the appeals process and the granting authority. If a town official or board made a decision that a resident believes is in violation of the bylaws, that appeal could be address to the ZBA, not necessarily to the court of law.

Mr. Hodgins read the correspondence (agenda item 5) dated September 11, 2022, from a group named Preserve Hopedale. This is a formal signed request for the ZBA to review the decision of the Planning Board.

Lou Costanza stated no official appeal has been recorded at this time. Any appeal shall be made within 30 days and include grounds for the appeal.

Scott Savage had an additional question with phased design in regards to the impervious coverage is 14.99%. He thought this did not include the paved around the back of the building. Mr. Buckley indicated on the plans that it does include the path around the building on the plans. Questions previously posed to the applicant was on May 18, and Mr. Savage was curious why in a 4-month period of the time, applicant has not made any progress in addressing these questions

Resident Mr. Hyland put on the record that they believe a third-party review of the Planning Board decision was important and his concerns regarding the social media comments after the September 7, 2022 Planning Board regarding the project.

Mr. Hodgins reviewed the filing of applications and notifications of town boards.

Resident Heather Lewis asked if in keeping this hearing open, does it delay the issuance of the building permit. Mr. Hodgins stated that the special permit needs to be approved before an issuance is given. If Building Commissioner does grant a permit, the granting of this permit can be appealed.

Resident Colleen Stone reviewed her understanding of the Planning Board decision regarding the proceedings and Mr. Hodgins stated he did not have any documentation on this phasing plan.

Board of Health Chairman Walter Swift stated for clarification that he always follows the process and for the Board of the Health to be included.

Heather Lewis inquired about emails from other boards and town counsel that are deemed privileged information, would the ZBA have access to those. Mr. Hodgins replied that they would not.

Resident Rick Lima stated he reviewed the last meeting ZBA meeting, and the request for clarification on the ZBA's authority regarding the 15% impervious surface concerns to legal counsel was not followed through with. Mr. Lima stated Mr. Costanza made a motion regarding this, and for counsel to attend the next meeting. Mr. Hodgins disagreed with the content of the motion. Mr. Hodgins stated that legal counsel should not be abused, just to validate what they've done, after the fact.

Lou Costanza made a motion to continue the discussion regarding GFI matter to October 19, 2022 with the agreement of the applicant, seconded by Sandra Biagetti. The vote was as follows:

Sandra Biagetti	yes
Lou Costanza	yes
Nick Alexander	yes
Scott Savage	no
Chris Hodgins	yes

Scott Savage made a motion to continue the conversation regarding the correspondence from Preserve Hopedale received including notice of appeal regarding Planning Board action on 75 Plain Street.

Seconded by Nick October 19, 2022. The vote was as follows:

Sandra Biagetti	yes
Lou Costanza	no
Nick Alexander	yes
Scott Savage	yes
Chris Hodgins	yes

Lou Costanza made a motion to adjourn, seconded by Scott Savage. All in favor.

Respectfully submitted,

Mary Arcudi Interim Secretary  
Via Town Hall Streams recording