



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

**Hopedale Zoning Board of Appeals
Meeting Minutes
November 16, 2022**

Chairman Scott Savage called the public hearing to order on November 16, 2022 at 7:00 pm. Meeting was held in the Town Hall Draper Room, streamed live via Zoom and on Hopedale Cable Access.

Members that were present:

Scott Savage, Chair
Nick Alexander
Sandra Biagetti
Nicole Small
Lou Costanza

Applicants:

Edward McGrath, Olimpia McGrath, Michael McGrath, Caroline Frankel, Nicholas Obolensky, Bran Noonan, Elliott Paturzo

Guests:

David Guglielmi, Colleen Stone, Len Guertin, Tim Watson, Erik Diehn, Antonio Pinto, Carole Mullen, Patrick Melles, Chris Chase, Rob Fahey, Gail Paturzo

Approval of Minutes:

Lou Costanza had some concerns regarding the format of the minutes up for approval as he believes they are more of a summary than a recording of the minutes. Scott Savage asked for one correction on the May 18, 2022 minutes where it states he had made a recommendation for an alternate ZBA member and it was Nick Alexander who made the recommendation. With this amendment to be corrected, Nick Alexander made a motion to accept the minutes as written for May 18, June 15, July 20 and 27, August 17, September 21 and October 19, 2022. Motion seconded by Sandra Biagetti and the vote was 4 to 1 in favor, with Lou Costanza voting no.

Continuation Hearing for Edward, Olimpia 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 at 25-27 Freedom Street. The hearing commenced on August 17, 2022, was continued by agreement and in writing.

The proposed new construction of a single-family home was reviewed with Mr. Paturzo, from AS Elliott and the McGrath family. Since a two-family dwelling is prohibited in the RB zoning district, the single-family home is the most viable option. Many years ago, when the area was rezoned for Steel Road, the abutting neighborhood, their lots were inadvertently included and became non-conforming lot. After a review of the proposed construction and location on parcel 27, it was determined four variances were needed.

There were no comments from the public.

Lou Costanza made a motion at the Chairman's request to close the public hearing for the McGrath family and their request to construct a second single residence, seconded by Sandra Biagetti. All were in favor.

Lou Costanza made a motion to approve the following variances to build a single-family home as presented on lot 27 Freedom Street:

Front setback 21.1 feet
Overall lot 15,029 feet
Side yard 15 feet
Street frontage 90.04 feet

This motion was seconded by Sandra Biagetti and the motion passes unanimously in favor.

Continuation of Public Hearing Ogeez Brands MA LLC - Case # 10 -2022

The applicant is seeking a special permit to operate as a marijuana product manufacturer at 6 Charlesview Road, 1st floor.

As a matter of record, the new ZBA member, Nicole Small has filed with the Town Clerk the certificate pursuant to General Law Chapter 39 to participate in a session of an adjudictory hearing where a member has missed a single hearing in order to vote on this public hearing.

Brad Noonan, CO of Ogeez Brand, a cannabis edible manufacturing company returned to answer any additional questions the board might have regarding their business plans. Attorney Nick Obolensky stated that Ogeez would abide by the proposed marijuana overlay district hours of operations to 8 am to 10 pm.

There were no comments from the public.

After a short discussion, Lou Costanza made a motion to close the public hearing for Ogeez Brands' request for a special permit. Motion was seconded by Sandra Biagetti and all were in favor.

Lou Costanza then made a motion to approve the special permit request to operate as a marijuana product manufacturer at 6 Charlesview Road with hours of operation to be 8 am to 10 pm, seconded by Sandra Biagetti. The roll call vote was as follows:

Sandra Biagetti	yes
Nick Alexander	yes
Nicole Small	yes
Lou Costanza	no, as the federal law prohibits marijuana
Scott Savage	yes

Motion passes favorably 4-1.

Nick Alexander made a motion to take an agenda item out of order, seconded by Lou Costanza. All were in favor.

Public Hearing Caroline's Cannabis - Case # 11 -2022

The applicant, Caroline's Cannabis, LLC is seeking a special permit to add/operate as a marijuana product manufacturer at 4 Charlesview Road.

Caroline Frankel, owner of Caroline's Cannabis currently operates a recreational retail marijuana establishment at 4 Charlesview Road and is asking to add product manufacturing to her current location. The host agreement has been signed by the Select Board and she is waiting for her license which is under review by the Cannabis Control Commission. This location is not within 500 feet of any school. No new construction is needed and there are 44 parking spaces with 2 ADA spaces at this location. The security plan is fully compliant with 935 CMR500.110 including but not limited to perimeter alarms, proper lighting, and 24/7 surveillance on all four sides of the building. This information has been shared with public safety and approved. There will be a generator on site to power security system if needed. Hours of operation are 7 am to 11 pm to allow for two shifts for employees.

Board questions included a review of the wholesale process and this will not be a growing facility. Nicole Small asked about current and new staffing needs and Ms. Frankel stated that they will be adding between 3-5 employees per shift. Board members asked about deliveries and it was reported that they use small unmarked vans that have cameras and GPS capabilities. There will be approximately 2 deliveries per day and all deliveries do not interfere with retail sales as they are dealt with at the rear entrance. There are always two drivers and two Caroline Cannabis employees who

process the transfer of product to the van. Scott Savage reviewed the size and square footage of the building, comparing the retail space to the production area.

There were no public comments.

Lou Costanza made a motion to close the public hearing for Caroline's Cannabis' request for a special permit to operate as a marijuana product manufacturer. Motion seconded by Sandra Biagetti and all were in favor.

Nicole Small made a motion to accept the request from Caroline's Cannabis to operate as a marijuana product manufacturer at 4 Charlesview Road with hours of operation to be 7 am to 11 pm. Motion was seconded by Sandra Biagetti and the roll call vote was as follows:

Sandra Biagetti	yes
Nick Alexander	yes
Nicole Small	yes
Lou Costanza	no, as the federal law prohibits marijuana
Scott Savage	yes

Motion passes favorably 4-1.

Correspondences

The board received a petition from "Preserve Hopedale" on September 11 and 26th, from 45 residents regarding the Planning Board action on 75 Plain Street. This matter was continued without objection from the September 21, 2022 ZBA meeting.

Colleen Stone, member of the Preserve Hopedale team and has questions regarding the appeal process, zoning bylaws and Massachusetts General Laws that relate to the decision made by the Hopedale Planning Board. The property owner of 75 Plain Street had petitioned the Land Court for a decision regarding the scope of the Zoning Board of Appeals and Chairman Scott Savage read the order received as follows:

ORDERED, ADJUDGED and DECLARED:

1. That warehouses are a by-right use in the Light Industrial and Ground Water Protection zoning districts in the Town;
2. That the warehouse, as proposed by the Plaintiff on the Property is not an enlargement or alteration of a pre-existing use as described in Section 17.6(c)(1) of the ZBL;
3. That phase 1 of the Proposed Project, if not exceeding 15% impervious coverage, does not require a special permit under Section 17.6(c)(6) of the ZBL;
4. That the Proposed Project, as a whole, will require a special permit under Section 17.6(c)(6) of the ZBL if it exceeds 15% of impervious cover; and
5. That special permit review of the Proposed Project under the ZBL is limited to the criteria under Section 17 thereof and is not subject to the general special permit criteria under Section 10.6 of the ZBL.

The board discussed that they believed the appeal process would move forward once the applicant for 75 Plain Street requested and/or obtained a building permit from the Building Commissioner, the granting authority. Chairman Scott Savage closed the discussion until such time as a special permit is requested from the applicant and/or a building permit is obtained generating an appeal from Preserve Hopedale.

Lou Costanza made a motion to adjourn the meeting at 8:08 pm, seconded by Nick Alexander. All were in favor.

Respectfully submitted,
Mary Arcudi
ZBA Secretary

