

**Joint Meeting
Select Board with Planning Board
July 6, 2022, 7:00PM**

Present from Select Board: Chair Hazard, Selectman Keyes, Selectman Stock, Town Administrator Schindler

Present from Planning Board: Chair Stephen Chaplin, Jimmy Kohkar, Michael Costanza, Christopher Chase, Absent: Kaplan Hasanoglu

Chair Hazard and Chair Chaplin called their respective committee meetings to order at 7:00PM.

**7:00 p.m. Joint Meeting with Planning Board
Discuss Marijuana Establishment Zoning Bylaw Additions/Amendments**

Chairwomen Glenda Hazard called the Select Board meeting to order for a joint meeting with the Planning Board to review marijuana establishment Zoning Bylaw additions or amendments. She referenced the previous town meeting where the new position of Town Planner was introduced and both boards looking to have a collective vision with this position for the town of Hopedale.

Chairman Stephen Chaplin opened the joint meeting with a historical summary. When reviewing retail marijuana cultivation operations there was a gap in the bylaws that did not allow for this in the light industrial zoning district, which the board believed was an oversight. There were two applicants who then went through the planning board process of site plan review and their applications were approved after the additional approval of a special permit from the Zoning Board of Appeals.

Currently the Planning Board has been asked to further amend the zoning bylaws to restrict retail marijuana establishments within 1000 feet of another retail marijuana establishment creating a buffer zone.

Town Counsel Nicole Costanzo discussed with the boards the various tools that towns can use to regulate retail marijuana establishments. The last zoning bylaws amended where retail marijuana establishments can locate in town. There are no other regulations of any type in place. Today there are additional businesses to consider; retail, cultivation, 2 types of delivery, indoor/outdoor, and product manufacturing. If the bylaws don't regulate them, then they are allowed. The town can consider prohibiting some uses all together and this would require the two-step process of a town meeting vote and then a ballot question vote. Limiting uses for retail establishments to less than 20% of the liquor licenses allowed in Hopedale would need town vote and ballot. Limited to 30% would only need a town meeting vote. Limiting cultivation establishments would only need to amend the zoning bylaws.

The town can look at adopting an overlay district to regulate where these businesses locate, along with changing the granting authority from the ZBA to the Select Board as they grant the host agreement, or to the Planning Board.

State regulations are in place for certain zoning bylaws and some communities expand these regulations making them stricter. Uses are allowed unless expressly prohibited. These are policy and business decisions for the town to determine that are best for Hopedale. Stephen Chaplin asked Nicole Costanzo about the proposed buffer zone. She has not seen this type of regulation and needs to look into this. If this prohibits others businesses in the area, the Attorney General would consider this a prohibition. It would need a ballot question and, in her opinion, not likely that the Attorney General would approve if no other business could locate in town because of this buffer zone. Any changes approved at town meeting would then be sent to the Attorney General for review and final approval.

Chris Chase inquired about the number of liquor license Hopedale currently has and Diana Schindler reported it to be seven, 2 on premise, 5 package stores. The percentage is based on the total number of liquor licenses issued.

Stephen Chaplin stated that he would be open to planning a new public hearing for any new amendments to the marijuana establishment zoning regulations.

Brian Keyes stated that regarding the prohibition piece, in real time, the third potential applicant has requested to be within the 1000-foot buffer since they have explored two other locations in town that were shot down by the ZBA. He wondered if this would be an exemption to the prohibition under review by the Attorney General. Stephen Chaplin also chimed in that there is very limited square footage available in town and the regulation on its face value seems fair and reasonable, but could have a prohibitive impact.

Mike Costanza asked if there were limits for any other types of businesses and who makes those decisions. Town Counsel stated there is a quota for liquor license by population by the ABBC. No other businesses are limited.

Chris Chase believes the town should come up with a number of retail marijuana establishments and to consider guidelines for all other types of marijuana establishments.

Glenda Hazard agrees there is a strong need for guidelines. Currently there are no limits in our bylaws, therefore there is no prohibition on how many can establish in town.

Police Chief Mark Giovanella expressed his interest in limiting the number of retail establishments in town. The challenges presented for law enforcement comes from people operating under the influence of a marijuana and other narcotics. These are the same policing concerns which as alcohol. Stephen Chaplin does agree that some sort of quota does make sense.

Jimmy Kohkar feels spreading these businesses out would be good and has mixed feelings about limiting the number of establishments.

A lengthy discussion was held regarding the pros and cons of limiting the number of businesses and buffer zones with all planning board members and comparing marijuana sales to other commercial retailers.

Glenda Hazard asked town counsel about the pending host agreement and what are the obligations to that retailer. She is also interested in regulating outdoor establishments. Brian Keyes added the point that zoning needs to be amended before the third place can open. Town Counsel stated that the host agreement does not guarantee that the establishment can open.

The Planning Board members reviewed the application process. Hopedale does not have a host agreement process in place. The town can add additional special permit requirements that would spell out the process from the host agreement to the special permit.

Bernie Stock is leaning towards leaving the choice of shopping to the consumer without a buffer zone. He thought the police chief brings up an interesting point in how difficult it is for policing. He will continue to listen and thought there were great arguments on both side of the fence.

A lengthy discussion continued regarding the host community agreement process, the current zoning bylaws and ZBA process, limits and buffer zones by all board members.

Nick Obolensky reviewed the applicant's request for the buffer zone and explained it is not just about economic success, it's about traffic and geographic diversity. Economics competition is good for the consumer. Marijuana retail is a highly regulated business and requires sourcing within the boundaries of Massachusetts when and where they can sell and how to advertise.

Mr. Pinto, owner at 150-155 Hartford Ave. believes the buffer zoning eliminate competition and it would be easier for police if these establishments are located in the same area. He has concerns regarding the applicant's attorney reaching out to Hopedale Town Counsel.

Constant Polohek, of Green River Cannabis, commented that in North Hampton, several retail marijuana establishments are co-existing successfully. Each business has a different business philosophy and creates their own customer loyalty.

Len Guertin, 14 Anthony Road, reminded the audience that the Select Board voted to remove the 3% community impact fees because the town could not find any impact where that money could be used. These retail marijuana stores are unique since they are required to pay a 3% retail surcharge that goes to the town. He also agrees that Hopedale has limited locations available.

Nick Obolensky addressed the allegation regarding reaching out to Town Counsel was in some way inappropriate. He sent an email to the Planning Board, Diana Schindler, Chairman Brian Keyes and Town Counsel as part of the required procedure for a citizen petition that the warrant article language be reviewed before signatures are gathered. He also sent an email to the Planning Board with data that demonstrates 8 similar surrounding town bylaws showing 4 having buffer zones. He included a write up by a Norton official as to why they decided to allow for buffer zones for the board to review.

In wrapping up the discussion, competition was discussed, the police chief's traffic concerns and being proactive to set guidelines before issues arise. Scott Savage, ZBA member, remarked on why Green River Cannabis' special permit for Condon Way was denied was based on parking and pedestrian concerns.

Stephen Chaplin remarked on the good spirited discussion and the majority of both boards agree to move forward to review and streamline cannabis zoning regulations for Hopedale, considering limiting the number of businesses, reviewing the board granting authority, buffer zones and improvements to the guidelines. The next step would be to draft the zoning changes and then hold a public hearing regarding amendments to the zoning bylaws. Glenda Hazard agreed with this summary.

The meeting of the Select Board adjourned at 9:05 pm

Submitted by: Lindsay Peterman

Board Adopted: 4/10/2023