



TOWN OF HOPEDALE

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Select Board
Glenda A. Hazard, Chair
Brian R. Keyes
Bernard J. Stock

Town Administrator
Diana M. Schindler

Select Board Special Meeting Minutes Joint Meeting with Planning Board and Development Industrial Commission August 3, 2022

Chairwomen Glenda Hazard called the Select Board meeting to order for a joint meeting with the Planning Board to continue the review of marijuana establishment Zoning Bylaw additions or amendments.

Planning Board Chair Stephen Chaplin reviewed the topics to be discussed from the last joint meeting regarding revisions to the marijuana zoning bylaws which included consideration of a quota, buffer zone, special permit granting authority and overlay district planning.

Economic Development Committee Chair David Cedrone reviewed his committee's research and discussions held at their last meeting. They reviewed other town host agreements and met with a Norton town official about their issues surrounding cannabis zoning in their town. This committee unanimously voted in favor of an overlay district which would include specific criteria in the zoning bylaws. They also unanimously agreed to a 500-foot buffer zone and a limit of 4 retail marijuana establishments in Hopedale.

Stephen Chaplin reviewed the buffer zone concerns of the Planning Board and asked the Economic Development committee chair what their rationale was regarding the change from 1000-foot to 500-foot buffer zone. Their rationale was for geographic diversity and hoping other areas in town could be considered if an overlay district was developed that would open more areas through the changes in zoning. Nicole Small stated that Hopedale is surrounded by other towns that do not allow cannabis sales and locating on those sides of town could draw business. She reminded the boards that the police chief, support a quota of 3-4 retail marijuana establishments. Chris Chase, who is a member of the Planning Board and the Economic Development committee felt this was the best approach for the town. Creating the overlay map puts Hopedale in a position where businesses know where they can and cannot have a retail store.

Scott Savage, member of the Zoning Board of Appeals agrees with most of the changes suggested by the Economic Development committee but in his opinion, it should not be a matter of right; an applicant should still need a review by the ZBA for the special permit approval. Oversight with a special permit is needed to verify and clarify all details of the zoning bylaws by a board. Nicole Small felt by-right zoning would eliminate the need for a review by the ZBA if specific zoning bylaws were clearly defined in the zoning criteria.

Stephen Chaplin directed his question to the Select Board on their thoughts regarding changing the special permit granting authority to their board. Glenda Hazard stated this has not been discussed as a board and in her opinion, she does not believe they should be the permit granting authority. Brian Keyes felt there were some benefits but also can appreciate the ZBA weighing in. Bernie Stock is neutral to the idea.

Stephen Chaplin then directed these concerns to the Planning Board. Kaplan remarked that marijuana is a highly regulated industry and would consider making it by right with an overlay district. Granting the authority to the Select Board was offered by counsel since they already handle the host agreement. Mike Costanza felt it was tough to compare the town of Norton to Hopedale. Hopedale zoning bylaws are already in place for specific zoning locations and checks and balances are already in place. He is not in favor of an overlay district plan.

Stephen Chaplin feels strongly that an overlay district is needed with special permit requirements in place. If Hopedale had more an extensive, detailed, specific special permit criteria for cannabis in place it would be helpful. Plus, Hopedale does not have a lot of undeveloped land. Kaplan Hasanoglu agrees with the Economic Development committee that if the regulations were established upfront, it would eliminate the additional hurdle businesses have to go through for the special permit. Stephen Chaplin did reflect and compared this to the past site plan review for GFI which then repeated an entire review by the ZBA which duplicated the process for the applicant, and wondered if the Planning Board should be the granting authority

Chris Chase stated that to do the overlay, it would be done in a way that included all specifications for marijuana retail and manufacturing so that guidelines were in place. It removes the hurdle of repeating the process with a special permit. An overlay plan gives the business clear indications of where they can locate and how.

David Cedrone remarked that his committee heavy discussed these topics. They looked at the burden this puts on the town boards. It would streamline the process, removing the litigation process and placing the exact rules right in the zoning. He believes it is the best approach to be clear and upfront. Nicole Small added that each town board can work together to draft the specific bylaws. Stephen Chaplin said the draft criteria would be drawn up before any final bylaw is written and then presented at a public hearing. Nicole Costanzo, legal counsel, added there are a host of other types of marijuana businesses to consider and will work with the boards to draft regulations.

Stephen Chaplin inquired to Diana Schindler when the Select Board was considering the next town meeting and it is tentatively being considered for mid-October. Diana said the boards should be considering the other types of marijuana businesses, especially regarding social consumption. This is not allowed yet by the state. Delivery licenses have been allowed by the commission.

Stephen Chaplin asked Nicole Costanzo to begin drafting these zoning changes and the boards will meet again on August 17, 2022. This draft is to include language regarding social consumption, retail, and cultivation.

Stephen Chaplin took a straw poll vote regarding a quota:

Glenda believes in a quota of 3.

Brian Keyes believes the boards should leave it to whether there is a buffer requirement.

Bernie Stock is not in favor of a quota, let the market decide.

Mike Costanza is not in favor of a quota, free market.

Kaplan is ok with a quota of 4 at this time and will review when the overlay map is created.

Chris Chase and the Economic Development Committee has recommended 4.

Stephen Chaplin then took a straw poll vote regarding the buffer zone:

Glenda Hazard is not in favor of the buffer zone.

Brian Keyes is in favor of the 1000-foot buffer zone to avoid clustering.

Bernie Stock is not in favor of the buffer zone, free market theory.

Stephen Chaplin is not in favor.

Mike Costanza is not in favor of buffer zone, opens up for all other businesses to request this as well moving forward.

Kaplan is in favor of a buffer zone but not sure if it should be 500 or 1000 foot.

Chris Chase believes if there is a quota, then there is no need for a buffer zone.

The Economic Development committee was asked why they recommended 500 feet instead of 1000-foot buffer zone and they cited the geographic diversity. In all the research they did, the highest buffer zone by other towns was 750 feet, and most towns had 500 feet. David Cedrone brought to their attention that 1000 feet would eliminate any other use of those buildings in the Charlesview development. The proposed business at Hartford Ave would be eliminated as well if reduced to 500 feet.

Constant Poholek, owner of Green River Cannabis, detailed his business in relations to the location of 150-156 Hartford Ave and Charlesview property regarding the buffer zone and described his boutique business as compared to Caroline's Cannabis at the Charlesview location.

Nick Obolensky, attorney for Caroline's Cannabis, responded to the concerns over the 6 Charlesview property and there is a proposal for marijuana product manufacturer there, not retail. It is not a business owned by Caroline's Cannabis. Both businesses just have the same attorney. Buffer zones protects that the businesses that the town selected to come to Hopedale are successful. The cannabis industry is already highly regulated. Caroline's is a boutique retail establishment as well. He believes the town should consider developing an overlay map and remove the cannabis business clustering.

After this discussion, no board members changed their minds on the buffer zoning.

A lengthy discussion proceeded regarding whether the conditions of cannabis would be by right or special permit. Nicole Costanzo proposed including both conditions for review in the draft. Stephen Chaplin noticed a comment by a resident that this would be like an ANR review that would still need to go through planning board.

Before closing the joint meeting, David Cedrone stated that the Economic Development Committee feels strongly that a Town Planner is needed. Motion to adjourn the joint meeting was made by Nicole Small, seconded by Tony Faath. All were in favor. 9:27 pm

Brian Keyes made a motion to adjourn the Select Board joint meeting, seconded by Bernie Stock. All were in favor. Meeting dissolved at 9:27pm

Excerpted from Planning Board Minutes

Submitted by:

Mary Arcudi, Planning Board Recording Secretary

Adopted: 9/26/22