



TOWN OF HOPEDALE
Planning Board
TOWN HALL
78 HOPEDALE STREET
HOPEDALE, MA 01747

Stephen Chaplin Chairman
Kaplan Hasanoglu, Member
Jimmy Kohkar, Member
Michael Costanza, Member

**Hopedale Planning Board
Meeting Minutes
Via Zoom Video Conference
June 17, 2022**

Recorded meeting can be found on the Town of Hopedale website under meeting videos.
The continuation hearing was opened at 5:00 pm.

Members that were present: Stephen Chaplin, Chair
Kaplan Hasanoglu
Jimmy Kohkar
Michael Costanza
Christopher Chase

Town Administrator: Diana Schindler

Applicants and Representatives: Constant Poholek, Antonio Pinto, Caroline Frankel, Attorney
Nicholas Obolensky

Guests: Mary Bentley, Jim Landry, Carole Mullen, Rob Fahey, Ricardo Lima

Mike Costanza made a motion to pass over approving the minutes of previous meetings to the July meeting, seconded by Kaplan Hasanoglu. All were in favor.

Chairman Stephen Chaplin opened the public hearing for the petition request from Antonio Pinto to rezone property located at 150-156 Hartford Avenue from General Business A district to Commercial zoning district.

Mr. Chaplin stated he has filed a disclosure with the ethic's board regarding his friendship with Mr. Pinto and since Mr. Chaplin has no financial interest in this petition and has stated he can be fair and impartial; therefore, he is allowed to proceed and vote on this matter.

Mr. Pinto presented his main reason in requesting this zoning change is so that this property matches the commercial zoning in all three parcels that abuts 150-156 Hartford Ave. 4, 6 and 8 Charlesview Road properties are all zoned commercial. The Charles River abuts his property to the right and the property across the street is property in Mendon. He also has a prospective tenant which has requested occupancy for a spot that has been empty for over a year. This prospective tenant's proposed business requires commercial zoning.

Board Member Comments

Kaplan Hasanoglu asked for a summary of the tenant's proposed business and Mike Costanza reviewed that the homes across the street are in Mendon and the businesses in Mendon are also commercial.

Jimmy Kohkar asked for clarification regarding the general business A zoning and commercial zoning and Stephen Chaplin explained that there are certain restrictions in the zoning bylaws that are different in these two zoning districts.

Mike Costanza mentioned that the prospective tenant is looking to use the location for marijuana retail sales and in order to move forward, Stephen Chaplin stated they would need the commercial zoning and a special permit approval from the Zoning Board as well. General Business A does not allow retail marijuana establishments.

Public Comments

Jim Landry, property owner at 5 Charlesview Road, questioned why the area has both general business A and commercial zoning. He also questioned why the town would want to have three marijuana retail establishments in such close proximity creating a cluster. Stephen Chaplin reported that these properties were previously all commercially zoned and previous to his tenure on the board, the Planning Board made changes adding the General Business A with the hopes that it would encourage new business growth.

Unfortunately, it really did not incentivize business in Hopedale. The owner of the Charlesview properties has already petitioned the town to rezone back to commercial which created the mixed zoning.

Stephen Chaplin reviewed the marijuana retail zoning bylaws and stated this is allowed in light industrial and commercial with a special permit from the ZBA. A special permit is not a matter of right and would be possible only if the criteria were met.

As a review, Mary Arcudi, former ZBA alternate and secretary, reminded the board that the potential tenant has been before the ZBA and denied a special permit for the proposed marijuana retail establishment at Mellen Street (narrow road and neighborhood concerns) and at Condon Way (limited parking and sidewalks).

Mr. Rob Fahey, non-resident, family at 137 Dutcher Street and Freedom Street feels that the concentration of retail sales in this cluster would do quite well.

Mr. Constant Polohek, Green River Cannabis, also reminded the board of his unsuccessful attempts to secure a location at Mellen Street and Condon Way. The potential location at Hartford Ave does fit the special permit criteria. Plus, there are very limited locations for retail marijuana in Hopedale.

Caroline Frankel, Caroline's Cannabis, 4 Charlesview Road, discussed how clustering affects business and retail marijuana establishments and its comparison to other business that are clustered successfully. In her opinion, clustering does not add revenue but reduces it.

Nick Obolensky, attorney for Caroline's Cannabis stated that density of these retail establishments does create harm. It is under the purview of the Planning Board to plan for development in Hopedale. When the property at 4 Charlesview Road was purchased, the expectation was that the general business A zoning would be in place in the abutting business area of Hartford Ave.

The board began its deliberation regarding the petition request to rezone 150-155 Hartford Ave. from GBA to Commercial. Kaplan needed clarification on the request change and Stephen Chaplin reminded the board that if the Hartford Ave. properties were to stay as GBA, the retail marijuana establishment is simply not allowed. He feels the GBA district has not brought business in as expected and in his opinion, the zoning should change back to Commercial. A lengthy discussion was held regarding the ZBA's role in the process of approving or denying the retail marijuana establishment special permit in a Commercial zoning district. Mike Costanza feels this change to Commercial would give the business owner more successful opportunities to market his retail space. Chris Chase agrees the town needs more business and this area should have all been kept Commercial.

The board discussed the need to refocus and look at the zoning map and bylaws overall, not just this particular rezoning request.

At this time Chairman Stephen Chaplin read the hearing notice for the record:

Notice is hereby given that pursuant to G.L. c. 40A, §5, on June 17, 2022 at 5:00 pm, the Town of Hopedale Planning Board will hold a public hearing virtually via zoom using the log-in information set forth below to consider and make a recommendation on a rezoning petition submitted by Antonio Pinto, Manager of Hartford Avenue Properties, LLC seeking to have the Town of Hopedale rezone the property located at 150-156 Hartford Avenue, Hopedale, Massachusetts (Hopedale Assessor's Parcel ID 24-45-0 and 24-45-1) from the General Business A zoning district to the Commercial zoning district. The complete text and maps relative to the proposed rezoning amendment are available for inspection at the Town Clerk's office.

Stephen Chaplin stated the board can recommend, disapprove or have no comment regarding a petition request which would need a town meeting vote. After a short discussion, Mike Costanza made a motion to make a favorable recommendation to rezone the property located at 150-156 Hartford Ave, Hopedale from general business A zoning district to Commercial zoning district submitted by Antonio Pinto. The motion seconded by Kaplan Hasanoglu and vote was as follows:

Mike Costanza	yes
Chris Chase	yes
Kaplan Hasanoglu	yes
Jimmy	yes
Stephen Chaplin	yes

Motion passes in favor. The Planning Board will make a favorable recommendation at Town Meeting.

Chairman Stephen Chaplin opened the public hearing for the citizens' petition request from to have the zoning bylaws amended for non-medical marijuana retailers to prohibit special permits withing 1000 feet of another retail marijuana establishment. The notice was read into the record:

Notice is hereby given that pursuant to G.L. c. 40A, §5 on June 17, 2022 at 5:15 pm, the Town of Hopedale Planning Board will hold a public hearing virtually via zoom using the log-in information set forth below to consider and make a recommendation on a Citizens' Petition seeking to have the Town of Hopedale amend its Zoning Bylaw, Section 12.12, Non-Medical Marijuana Retailers, to prohibit the issuance of special permits allowing the physical location and operation of Retail Marijuana Establishments as defined under G.L. c94G, section 1, on a parcel which is within one thousand (1000) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Retail Marijuana Establishment is or will be located) of a parcel occupied by another licensed Retail Marijuana Establishment. The complete text and maps relative to the proposed rezoning amendment is available for inspection at the Town Clerk's Office.

Caroline Frankel, owner of Caroline's Cannabis, 4 Charlesview Road, detailed her request in an effort to support prohibiting retail establishment clusters. In her opinion, it would create a more sustainable cannabis market and success within the current operations. There are two retail marijuana establishments within one half mile radius in Hopedale and an additional one in Mendon.

Nick Obolensky, attorney for Caroline's Cannabis, respects the deliberation of the previous petition to rezone from General Business A to Commercial zoning district and adopting this petition request is not mutually exclusive. Buffer zones are common in Massachusetts within a zoning district between retail recreational marijuana establishments. He believes to makes sense to spread them out.

Board Member Comments

Stephen Chaplin inquired about the differences in having two marijuana stores within close proximity as compared to other businesses like pizza restaurant or liquor stores. Attorney Nick Obolensky responded that foot traffic would be customers going to one store not the other as the cannabis offerings are basically the same thing. It would diminish sales. Having a store on the other side of town would alleviate that. Stephen Chaplin thought it would give them choices and a lengthy discussion was held regarding sales and tax revenue implications.

Mike Costanza asked about the products sold at each establishment and Caroline Frankel responded that they sell basically the same as the High Hopes establishment.

Jimmy Kohkar doesn't see the marijuana facilities to be compared to food locations. Retail marijuana establishments are specialty boutiques and recreational. He compared it to his "Chick-fil-A" fix since this restaurant is in just a few locations. He believes the establishments should be spaced out for more exposure and would eliminate any traffic concerns.

Kaplan Hasanoglu was interested that other towns have buffer zones. He also believes the Planning Board needs to have a broader discussion regarding zoning buffer zones and if these discussions were considered when the zoning was originally established. Stephen Chaplin agreed that the board has not been presented any official data points, just hearsay, nor any research regarding the economic claims. He would like to review bylaws from other towns.

Public Comments

Ricardo Lima, 3 Whitney Road compared retail marijuana establishments to coffee shops. Coffee shops are often located within a close proximity and customers often have a preference to which shop they prefer. He feels this zoning change request is restrictive to free enterprise.

Mr. Antonio Pinto, 150-156 Hartford Ave., questioned the legality of the petition and restricting competition. He requested that this be reviewed by Hopedale's Town Counsel.

Jim Landry, Charlesview Road, as an abutter he does agree that there should be a buffer zone to benefit businesses long term.

Connie Poholek stated his requests regarding establishing a retail marijuana facility in Hopedale has been transparent with the town, and that these restrictions negate competition. H also would like this reviewed by Town Counsel.

The board begin to deliberate the petitioner's request and discussed current retail cannabis regulations and what tools were available to regulate this industry. The board agreed with the request to review this with legal counsel. Nick Obolensky mentioned that the public hearing notice was reviewed by our KP Law legal counsel.

Kaplan made a motion to continue the citizens' petition request to have the zoning bylaws amended for non-medical marijuana retailers to prohibit special permits within 1000 feet of another retail marijuana establishment, with agreement from the applicant to July 6, 2022. Motion was seconded by Jimmy Kohkar and the vote was as follows:

Mike Costanza	yes
Chris Chase	yes
Kaplan Hasanoglu	yes
Jimmy	yes
Stephen Chaplin	yes

Motion passes in favor to continue the hearing to July 6, 2022.

Topics Not Reasonably Anticipated by the Chair 48 Hours prior to meeting

The Planning Board received an email from Attorney Eli Lieno, representing Mr. Lima and Black Brook Realty regarding their subdivision application, to continue their hearing to the August meeting. Stephen Chaplin made a motion to continue the hearing at the written request of Eli Lieno from July 6, 2022, to August 3, 2022. Motion seconded by Kaplan and all were in favor.

Kaplan Hasanoglu made a motion to adjourn at 7:00 pm, seconded by Stephen Chaplin. All were in favor.

Respectfully submitted,

Mary Arcudi
Planning Board Secretary