



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
July 6, 2022**

Recorded meeting can be found on the Town of Hopedale website under meeting videos.
The meeting was opened at 7:08 pm.

Members that were present:	Stephen Chaplin, Chair Jimmy Kohkar Michael Costanza Christopher Chase
Member that was absent:	Kaplan Hasanoglu
Select Board Members:	Brian Keyes, Bernie Stock, Glenda Hazard
Town Administrator:	Diana Schindler
Town Counsel:	Nicole Costanzo
CMRPC Representative:	Jane Wyrick
Applicants and Representatives:	Caroline Frankel, Nick Obolensky
Guests:	Antonio Pinto, Constant Poholek, Mary Bentley, Tim Watson, Len Guertin, Katie Guertin, Chief Mark Giovanella, Russ Bogartz, Carole, Mullen, Scott Savage

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 joint meeting with the Select Board concluded at 9:05 pm.

Continuation of Public Hearing

Chairman Stephen Chaplin continued 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.

Nick Obolensky, attorney for Caroline's Cannabis, stated the main point of this zoning amendment is to prevent having one store adjacent to another marijuana retailer. Cannabis industry is a unique industry and it doesn't make economic sense. Other towns have created buffer zones for retail marijuana stores. Clustering doesn't create a positive business experience. Mr. Obolensky sent an email to the board regarding the reaching out to town counsel is part of the petition process. The email also included data of surrounding towns and their cannabis regulations. The interest is for all stores to prosper and the town benefits.

Russ Bogartz, owner of High Hopes visited Amherst, near North Hampton, and the retail establishments are very close proximity to each other. Retailers there acknowledge tremendous competition. He feels this is not something the town should decide. Some are going to fail. Saturation is on its way as many more will be opening in Massachusetts.

Jimmy Kohkar asked about the financial interest in 6 Charlesview which is next to Caroline Cannabis. Stephen Chaplin stated that this interest does not influence the request to change the zoning.

Stephen Chaplin needs to have the entire conversation on all the tools to regulating cannabis operations before voting on this particular request. Chris Chase agrees as well and would recommend to continue meeting with the Selectboard and review all regulations the town can consider. Jimmy also feels the board needs to gather more information.

Nick Obolensky stated that he is not opposed to allowing more time and including the buffer zone within a comprehensive zoning measure. He would not object to tabling the discussion.

Stephen Chaplin suggested continuing the hearing to August 3, 2022

Mr. Pinto asked it is legal to have a competitor enter a petition after a business interest was requested at a neighboring location. Nicole Costanzo responded that the town clerk certifies that the signatures were sufficient and met the legal requirement by actual citizens of the town. If the article is brought to town meeting and is approved, then the article is sent to the Attorney General for final approval or challenge. Stephen Chaplin stated this a lawful petition.

Len Guertin asked if the Attorney General would give a preliminary judgement on the buffer zone and Nicole Costanzo stated that she can inquire with the Attorney General's staff but this inquiry would not be bound by any discussions.

Mike Costanza made a motion to close 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. Chris Chase seconded the motion and the vote was as follows:

Mike Costanza	yes
Chris Chase	yes
Jimmy	no
Stephen Chaplin	no

Motion does not pass.

Stephen Chaplin made a motion to continue the public hearing to August 3, 2022 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. Jimmy seconded the motion and the vote was as follows:

Mike Costanza	no
Chris Chase	yes
Jimmy	yes
Stephen Chaplin	yes

Motion passes.

Overdale Parkway Continuation Hearing

The continuation hearing has been moved to August 3, 2022 at the request of the applicant and approved at the June 17, 2022 Planning Board meeting.

DLTA project – Proposed Mixed-Use Overlay District/Mapping Project

Jane Wyrick from CMRPC guided the Planning Board members through the discussion regarding the proposed mixed use overlay district needs of the Master Plan project. This would be the best use for the Draper property which would provide opportunities for house, retail, and public spaces. The Draper land is currently zoned industrial. The Planning Board could consider an overlay change or rezoning. The funds provided by DLTA would be used to assist in preparing for these rezoning/overlay changes and

a revised Table of Regulations. Diana Schindler stated that a traffic study is currently be done in this area of town.

Mike Costanza made a motion to continue this discussion to July 24, 2022, seconded by Stephen Chaplin. All were in favor.

Stephen Chaplin made a motion to pass over approving past minutes, seconded by Jimmy. All were in favor.

Chris Chase requested a joint meeting with the Zoning Board of Appeals and the Selectboard to review the role of the boards in approving site plans and special permits. He would like to understand the role of the ZBA after a detail of a site plan has been approved by the Planning Board and a recommendation has been sent to the ZBA. Mike Costanza would like to review the ethic and the purview of each board to avoid overstepping. Stephen Chaplin felt that board members should attend the ZBA meeting if they have concerns on their process as long as they did not violate the Open Meeting Law as it would not be a joint meeting.

Stephen Chaplin made a motion to adjourn at 11:03, seconded by Jimmy and all were in favor.

Respectfully submitted,

Mary Arcudi
Planning Board Secretary