



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

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**Hopedale Planning Board  
Meeting Minutes  
Via Zoom Video Conference  
September 14, 2022**

Recorded meeting can be found on the Town of Hopedale website under meeting videos.  
The Chairman opened the meeting at 7:00 pm.

Members that were present:	Stephen Chaplin, Chair Michael Costanza Christopher Chase Kaplan Hasanoglu
Absent:	Jimmy Khokhar
Town Administrator:	Diana Schindler
CMRPC:	Jane Wyrick
Planning Board Secretary:	Mary Arcudi
Applicant and Representatives:	Attorney James Roberti, Audra Speroni, Russell Bogartz, Jay Lum
Guests:	Carole Mullen, Nicole Small, Lorraine Olson, Jim Abbruzzese, Suzanne MacNeil, Tony Faath, A Green, Mary Bentley, Janice Doyle, Colleen Stone, Ricardo Lima, Tim Watson

Public Hearing – Zoning Petition to change zoning of 4 and 6 Evergreen Lane from GB-A to Commercial Zoning

Hearing notice reads as follows:

Notice is hereby given that pursuant to G.L. c. 40A, § 5 that on September 14, 2022 at 7:00 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 citizens' petition seeking to have the Town of Hopedale amend its Zoning Map by removing 4 and 6 Evergreen Lane from the GB-A District and establishing both parcels within a Commercial (C) district.

Attorney James Roberti representing the property owner Joseph Menfi stated the intent of the citizen's petition. He inadvertently requested this zoning change for 4 and 6 Evergreen Lane and it should read 2 and 4 Evergreen Lane.

Prior to the zoning change, these parcels were in the commercial district and the applicant only became aware of it as Mr. Menfi was trying to retain tenants. Some potential tenants were lost due to the time involved to obtain a special permit. Audra Peroni, daughter of Mr. Menfi, stated this property backs up to commercial land. After the 2017 Town Meeting that changed these parcels to GB-A, the applicant thought it just impacted residential zoning.

Stephen Chaplin believes the intention of this zoning change was to impact the residentially zoned parcel, 6 Evergreen and inadvertently 2 and 4 were added.

The board reviewed the types of businesses that are excluded under the GB-A zoning such as medical facilities, nursing home, dog or cat kennels, vet services, and auto service stations. Mr. Chaplin also explained that in the GB-A zone, the requirements for lot area and frontage is smaller and allows previous residential properties to become light business use properties.

This petition would need to be republished with the correct addresses. The applicant will resubmit their petition with 2 and 4 Evergreen Lane listed. Stephen Chaplin made a motion to continue the hearing with the approval of the applicant to October 5, 2022 at 7 pm. Kaplan Hasanoglu seconded the motion and all were in favor.

Public Hearing on Zoning Petition to allow curbside retail sales by Cannabis retailers when the State of Massachusetts allows

Hearing Notice reads as follows:

Notice is hereby given that pursuant to G.L. c. 40A, § 5 on September 14, 2022 at 7:15 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 11.3 Commercial Table of uses to allow curbside retail sales by Special Permit in the Commercial Industrial, and Light Industry Zoning Districts, which proposed change would become effective when the State of Massachusetts permits such a use.

Russ Bogartz is requesting this zoning change for curbside retail sales, only if there is another state shut down and a plan would be in place. This is currently not legally allowed in the state of Massachusetts. All curb side orders would start with an online order and then packaged for the consumer. Customers would arrive in designated parking spots located 8 feet from the entrance door. Customers would not enter the store. All members of vehicle would be required to present their ID's. Electronic payments would be required. When the conditions that caused the shutdown ends, so does curbside retail. Resident Nicole Small felt this was a way to support Hopedale businesses during a shutdown situation. Resident Jim Abbruzzese is also in support of this as well and stated this should be available for all retail marijuana establishments. Since the Planning Board is considering a comprehensive marijuana zoning bylaw, Stephen Chaplin made a motion to continue this hearing with the agreement of the applicant to October 5, 2022 at 7:15 pm.

#### Downtown Overlay district discussions and proposed by law review

The Planning Board reviewed the updated Overlay district map. Jane Wyrick, from CMRPC, pointed out the addition of the land south of the railroad tracks from Cemetery Street along Fitzgerald Drive, expanded to included parcels across on Mendon Street and along Hopedale Street so there is a continuous flow of the Downtown area. She asked if the section of the Railroad should be included and Mr. Chaplin's initial reaction is that it doesn't hurt to have this included, as the RR would most likely not change its use.

Jane Wyrick also remarked that the land behind Bancroft Park is owned by the town and could be included as overlay projects need open space requirements. Diana Schinder stated that the Open Space Committee is looking at this property as a corridor to connect to other parcels. Stephen Chaplin felt that open space should be incorporated within the development and is inclined to leave it out of this overlay district.

Diana Schindler asked Jane Wyrick about the groundwater overlay district as it lays over a good part of this area. In the current groundwater overlay district, if you change a use or alter it, it is subject to a special permit. Jane Wyrick will review Hopedale's groundwater overlay language to see if supersedes the current overlay. Tim Watson, Manager of Water and Sewer Department, informed the board that the entirety of the property downtown is in the groundwater protection and needs special permit.

Jim Abbruzzese questioned which portion of the railroad property would be included and Stephen Chaplin stated they intended to include north of RT 16 only.

Chris Chase felt the purpose of the map and overlay is to allow the town to grow with standards and guidelines that construction isn't random but a more consistent planned design. Jim Abbruzzese added the fact that the whole master planning process and committee's purpose is to be the voice of the town. He also added that the high level and ideas of the property owner, since he is a significant land holder and future developer, should be reviewed and suggested CMRPC might reach out to him. A draft was shared with the property owner and she has yet to receive any comments in return. Kaplan Hasanoglu agrees it would be helpful to hear from the property owner to have good reasoning and guidelines to decide what percentage of business/housing, etc. should be considered in the overlay district.

Jane Wyrick prepared a comparison report from other towns and Hopedale is closely aligns to Holden's overlay plans. The main reason to have a set guideline on percentages of each category is to create a good mix of uses, a balance so that one use isn't dominating the downtown overlay district.

Tim Watson informed that in zoning bylaws, the actual zoning in reference does not include a map. Tim will meet with DEP and develop an accurate map, an official document approved by DEP.

Jane Wyrick brought up whether the board should be considering base zoning or an overlay district. A lengthy discussion was held in this regard and continued back to what parcels to include in this district.

In reviewing the language in the overlay bylaw draft, Jane Wyrick requested that the number sequencing be reviewed and Diana is working to on this.

Jane Wyrick also requested a discussion on naming the district and after a short discussion and evaluation, it was agreed to stay with naming this the Village Center District.

The language in the section stating the purpose of the overlay was agreed upon by all board members as written. Sample statements were reviewed and it was agreed to stay with the general-purpose language. The establishment language and applicability and severability language are all set as stated. Currently the ZBA is the granting authority for special permits and a discussion was held if the Planning Board would take this on for this district. Overall, it was agreed that the ZBA would continue to be the special permit granting authority.

Use provisions can be written out or just listed in the use table. Mixed use structures with residential dwelling units above non-residential use would be allowed. Currently these are prohibited and section 12.2 would need to be modified to reflect this change. A discussion was held regarding drive thru establishments including financial services with drive up windows and it was agreed that these would need a special permit along with a grocery store, due to traffic impacts they might have. The board agreed that assembly halls including places of worship would need a special permit. All other uses were agreed upon.

The special permit section was reviewed and Jane Wyrick asked if the board felt the need for limits on multifamily and apartment dwellings and those limits were removed along with the limit on screens regarding the movie house. Municipal building was added to the civic uses and Chris Chase requested adding day care and a school to this list. There will be language regarding cannabis retail establishments special permit as the Planning Board will be the granting authority.

The board reviewed the prohibited use section. The purpose is to encourage mix use and multi-level retail and residential. Single and two-family residential homes were removed and one-story building would be moved to the special permit section. A lengthy discussion was held on whether any businesses would be listed as prohibited. The bylaw can also control the aesthetics and the look of the businesses to conform to design concepts agreed upon.

Stephen Chaplin suggested tabling the conversation as much was discussed till October 19, 2022.

A meeting will be scheduled for September 28, 2022 for marijuana bylaw and GB-A to commercial changes. October 5, 2022 will be for the Overdale Subdivision and the continuation of the public hearing for Evergreen Lane petition and curbside marijuana sales petition.

Stephen Chaplin made a motion to pass over the discussion regarding the cannabis bylaw amendments, seconded by Kaplan. All were in favor.

Mike Costanza made a motion to approve the minutes as written of August 24, 2022, and revised his motion to approve the minutes as revised by Stephen Chaplin. Chris Chase seconded the motion. Kaplan abstained from the vote as he was not present and a majority were in favor.

Stephen Chaplin reported his attendance at the previous Finance Committee and Select Board meeting where he was advocating for the hiring of a Town Planner. He is hopeful the process will continue in the search and filling this position that will coordinate the efforts of the Planning Board, Zoning Board and Conservation Commission planning.

Stephen Chaplin made a motion to adjourn at 9:48 pm, seconded by Mike Costanza. All were in favor.

Respectfully submitted,

Mary Arcudi  
Planning Board Secretary