



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

Stephen Chaplin, Chairman
Kaplan Hasanoglu, Member
Jimmy Khokhar, Member
Carole Mullen, Member
Christopher Chase, Member

**Hopedale Planning Board
Meeting Minutes
Via Zoom Video Conference
October 4, 2023**

Recorded meeting can be found on the Town of Hopedale website under meeting videos.
The Chairman opened the meeting at 7:04 pm.

Members that were present: Stephen Chaplin, Chair
 Carole Mullen
 Christopher Chase
 Kaplan Hasanoglu
 Jimmy Khokhar
Applicants: James Valeriani, Frank Maher
Guests: Tim Watson, Janice Doyle

Kaplan Hasanoglu made a motion to pass over approving the meeting minutes to the end of the meeting, seconded by Jimmy Khokhar. All were in favor.

7:00 pm Continued Public Hearing for Green Mountain C & C

The applicant, Green Mountain C & C, LLC is seeking a special permit for cannabis manufacturing at 1 Rosenfeld Drive.

Chairman Stephen Chaplin asked the board members if there was any additional evidence or information to review since the September 6, 2023 public hearing. Carole Mullen did ask for clarification regarding whether vehicles will be pulling in the building. The applicant, Frank Maher stated their expectation is to use the loading dock in the rear of the building and will not park any vehicles inside the building. Stephen Chapin stated language would be included in the final decision if the loading operation were to be inside, and floor drains would need to be installed. Tim Watson, Manager of Water and Sewer Department reminded the applicant that there are regulations to abide by if floor drains were installed.

Kaplan Hasanoglu made a motion to close the public hearing, seconded by Chris Chase. All members were in favor.

Deliberation

All Planning Board members were polled and stated they were in support of this project.

Stephen Chaplin proceeded to read the draft decision for the record and with a few edits, agreed with the following language:

Green Mountain C&C LLC (the “Applicant”) has applied to the Town of Hopedale Planning Board (the “Board”) for a Special Permit in accordance with the Applicant’s proposal to retrofit an existing building and to thereafter operate a cannabis manufacturing/production (i.e., not retail and not cultivation) and office operations to occur within the existing 16,735 square foot building located at One Rosenfeld Drive (the “Property”).

Pursuant to the Marijuana Overlay District Bylaw (the “Overlay Bylaw”), an amendment to the Town of Hopedale Zoning Bylaws (the “Zoning Bylaw”) which was voted favorably by Town Meeting on May 16, 2023 (Article 30) (i.e., pending approval by the Attorney General at the time this application was filed), Marijuana Establishments are allowed by Special Permit

within the overlay district established by the map which was voted together with the Overlay Bylaw. The Overlay Bylaw states that an applicant must satisfy both the Special Permit criteria set forth within the Overlay Bylaw as well as the general special permit criteria set forth within Section 10.6 of the Zoning Bylaw. The Overlay Bylaw designates the Planning Board as the Special Permit Granting Authority.

Pursuant to Section 10.6 of the Zoning Bylaw, the Planning Board makes the following determinations:

1. The use will not have detrimental effects which outweigh its benefits to the neighborhood, Town or zoning district in which it located;

The Property is located on Rosenfeld Drive, a street located in the Light Industry Zoning District and containing a variety of business uses. The new use, as proposed and as conditioned, will not result in noise, odor, or light pollution in excess of the prior manufacturing use at the property, and therefore, any detrimental effects (to any interested stakeholders) are outweighed by the benefits to the Town.

2. The use is consistent, insofar as practicable, with the Town's Master Plan officially adopted by the Planning Board;

The project is consistent with economic development and land use objectives underlying the Town's Master Plan, and accordingly, the project, as proposed and as conditioned, is consistent with the Master Plan.

3. The use will not materially endanger or be hazardous to the public health and safety;

As previously mentioned, the property is located in the Light Industry District in proximity to other business uses and is the site of a former manufacturing operation. The Applicant must also comply with all regulations of the Cannabis Control Commission, has submitted a security plan which meets the satisfaction of the Police Department, and as conditioned, has an obligation to continue to keep the Police Department satisfied regarding security measures. Therefore, the proposed use, as conditioned, will not materially endanger or be hazardous to public health or safety.

4. Sufficient off-street parking exists or will be provided to serve the use;

The proposed operation will not have a retail component, and therefore, will not require significant parking (i.e., only for employees). Based upon the presentation made by the Applicant, the Board finds that the existing parking at the property is sufficient.

5. The use can be adequately served by municipal water and sewer systems and other necessary utilities;

The property is adequately serviced by necessary utilities, and in any event, has received a written favorable endorsement from the Board of Health in the form of an email sent to the Planning Board.

6. The use will not result in a substantial increase of volume or rate of surface water runoff to neighboring properties and streets

The use does not require alteration to the existing drainage at the site, and therefore, will not increase the volume or rate of surface water runoff.

7. The use will not result in contamination of the ground water supply, a well, stream, pond, watercourse, or wetland

The Applicant states that any waste from its manufacturing processes is treated on-site and then disposed of off-site. The Board also imposes a condition regarding the prospective loading/unloading of products indoors. Accordingly, as conditioned, the use will not result in the contamination of public/private water supplies or other natural water resources.

8. The use will not create undue traffic congestion or unduly impair pedestrian safety

As referenced previously, the Property is located in a Light Industry Zoning District directly adjacent to other business uses, and therefore, pedestrian safety is not compromised by granting the Applicant a Special Permit. Also as referenced previously, there is no retail component to the Applicant's proposed use, and accordingly, the Applicant's traffic narrative is found to be credible and to reflect conditions that will not constitute undue traffic congestion.

Pursuant to the Overlay Bylaw (pending approval by the Attorney General), the Planning Board makes the following findings:

a. The ME does not derogate from the purposes and intent of this Section and the Zoning Bylaw

The stated purpose of the Overlay Bylaw, which upon acceptance by the Attorney General will become part of the Zoning Bylaw, is to provide placement of MEs in suitable locations. The overlay district boundaries, as set forth in the applicable map, identify areas that are appropriate for these facilities, specifically exempting areas that are inappropriate, such as in proximity to school buildings. Moreover, the Property is located in a light industry district and was previously used for manufacturing. Accordingly, the project comports with the purpose of the Overlay Bylaw and the Zoning Bylaw at large.

b. The proposed ME is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.

The Board inquired at its hearing regarding light, sound, and odor pollution and is satisfied that the type of use proposed (i.e., manufacturing as compared to cultivation or retail) together with discussed landscaping will minimize adverse impacts to the relatively small number of residences in proximity to the Property.

c. The Applicant demonstrates that the ME will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations

The Applicant credibly testified that its facility will meet all such requirements, and moreover, continuing to meet such requirements will be a condition of the applicant's operations. Accordingly, the Board finds that this criterion is met.

d. The security plan provides sufficient assurance that adequate security controls will be implemented to ensure the protection of the public health and safety during hours of operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery

The Board heard, for public safety reasons, limited testimony concerning the Applicant's proposed safety plan (i.e., random delivery times, cameras, protocols for securing product within the building, and additional lighting as requested by the Police Department) and is satisfied that this criterion is met.

- e. The odor control plan proposed adequately provides for the ongoing safe operation of the ME and minimizes any adverse impacts to abutting properties from odor-emitting activities to be conducted on-site.

The Applicant credibly testified that odor control measures will be in place, and moreover, the Board has conditioned this approval upon there being no odor at the property line. Therefore, the project, as conditioned, satisfies this criterion.

- f. The proposed design and operation of the ME will meet the requirements of this Bylaw

As referenced previously, the property in question was previously the site of a manufacturing operation and is within the overlay district specifically designated for marijuana establishments. Accordingly, for these reasons and the others set forth above, the Board finds that this criterion is met.

I. General Conditions

- A. Plans and Application Materials Incorporated Herein:** Except as specifically set forth herein, the plans and application materials submitted by the Applicant are hereby incorporated as part of this approval, and any material divergence from such plans and materials shall require modification of this approval.
- B. Compliance with Host Community Agreement:** The provisions of the Host Community Agreement (“HCA”) between the Applicant and the Town are hereby incorporated by reference as conditions of this approval.
- C. Enforcement:** If the Town prevails in any action to enforce any provision of this approval, the Applicant shall be required to pay the Town’s costs of such action, including without limitation attorney and expert witness fees.
- D. Odor, Noise and Toxins:** The Applicant shall install odor and noise control technology as detailed in its Application Materials, as necessary, in such a manner that no odor or undue noise from marijuana processing or the manufacturing of products can be detected by a person with an unimpaired and otherwise normal sense of smell, to be determined by the Building Inspector or their designee at any adjoining property. The Applicant shall properly maintain all odor and noise mitigation equipment to ensure maximum efficiency. No toxic discharges, whether detectible by smell or not, from the facility are permitted at any time. In the event that the Building Inspector receives a complaint regarding odor or the release of toxic materials, the Building Inspector will notify the Applicant of same. The Applicant shall then identify the issue and respond within five (5) working days with a plan to rectify the situation, and if such plan is acceptable to the Building Inspector shall implement such plan as expeditiously as reasonably practicable under the circumstances. Failure to comply with these conditions shall be grounds for revocation of this approval.
- E. Security:** The Applicant shall submit a written security plan to the Hopedale Police Department to demonstrate that there is limited burden on the Town public safety officials due to the proposed establishment. The security plan shall include all security measures for the site and for transportation of cannabis and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the premises from theft or other criminal activity. For confidentiality and security reasons, these security measures will only be submitted to and reviewed by the Hopedale Police Department, who may consult with the Hopedale Fire Department on pertinent items as needed. The Police Department’s satisfaction with the Applicant’s security measures and protocols shall be a continuing condition of this approval.

F. Hours: The Applicant shall not be limited at this time, provided however, that the Applicant shall operate during normal and customary manufacturing hours, and provided further, that if the Board in the future finds that the hours or manner of operations (a) constitute a security or safety hazard or (b) have come to constitute a nuisance to nearby residences, the Board may revisit the Applicant's hours of operation and consider imposing a restriction in order to abate such a nuisance.

G. Town Roads: Applicant shall be responsible for any damage to Town roads due to transport of construction materials to and from the site. This Board or the Building Inspector may (at the Applicant's expense) retain an engineer or other consultants to determine the amount of damage and of any required repair or maintenance.

H. Design Guidelines:

1) **Landscaping.** The Applicant's establishment shall be landscaped year-round with native vegetation to screen the establishment from all adjoining properties and public and private ways.

I. Inspections: The Establishment may be inspected annually and/or in response to any reasonable complaint, by the Building Inspector, the Fire Chief, the Police Department, or their designee(s), to ensure compliance with this approval. If such inspections are the result of a complaint or determination that there has been a violation of this approval, the reasonable costs of such inspections shall be borne by the Applicant, including independent measurements of sound levels, subsonic vibrations and/or laboratory analysis of any effluents, odor emissions or other discharges into the environment.

J. Technical Review: The Board or the Building Inspector may engage professional and technical consultants, at the Applicant's expense, pursuant to M.G.L. Chapter 44 § 53G to assist the with review of materials and to ensure compliance with this approval.

K. Issuance of a valid license pursuant to M.G.L. c.94G or Certificate of Registration pursuant to M.G.L. c.94I is a condition of this approval. Copies of all licenses and permits issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies shall be submitted to this Board.

L. Groundwater Protection District Overlay: The Board notes that it understands the rear part of the Property is located within the Groundwater Protection Overlay District. The Board relies upon the Applicant's representation that the proposed use and existing structures will not utilize that portion of the Property which is located within the Groundwater Protection Overlay District and that such portion of the property is presently and shall remain in a natural and undisturbed state. Otherwise, the Applicant must independently seek a Groundwater Protection Overlay District Special Permit from the Zoning Board of Appeals.

M. The approval hereunder is conditioned upon the Attorney General's anticipated approval of the Overlay Bylaw. Should such approval be rejected by the Attorney General, this approval shall be void and the Applicant must seek approval under the Zoning Bylaw as it existed prior to the favorable Town meeting vote on the Overlay Bylaw.

II. Operating Conditions

A. The Applicant shall submit a copy of the Provisional License or Certificate of Registration from the Cannabis Control Commission with this Board and the Building Inspector prior to the issuance of a certificate of occupancy, or commencement of use, whichever occurs first.

- B. Prior to the commencement of operation, the Applicant shall provide in writing to the Chief of Police and Town Administrator the names, phone numbers and email addresses of all management staff, key-holders, and a minimum of two (2) contact persons to whom complaints or inquiries associated with the Establishment shall be directed. All such contact information shall be updated as needed to keep it current and accurate. The Town Administrator shall provide this information to the Board of Health, Fire Department, Building Inspector and the Select Board. The owner or manager of an Establishment is required to respond by phone or email within twenty-four hours of being contacted by a duly authorized Town official concerning their Establishment.
- C. After commencing operations, the Applicant must:
- a) Report any incidents to the Police Department as required pursuant to 935 CMR 500.110 within 24 hours of their occurrence. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.
 - b) Report to the Building Inspector any cease-and-desist order, quarantine order, suspension order, limiting sales order, notice of hearing or final action by the Cannabis Control Commission or the Division of Administrative Law Appeals, as applicable, regarding the Establishment within 48 hours of the Applicant's receipt.
 - c) Submit copies of all reports submitted to any state agency, including, but not limited to, the reports required by 935 CMR 500.105(10)(d) describing the establishment's liability insurance coverage and the annual security system audits required by 935 CMR 500.110. These shall be submitted to this Board within twenty (20) business days of submission to the State. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.
 - d) Document to this Board that each Establishment Agent has completed training regarding the proper handling of Cannabis prior to performing job functions. Such documentation must be provided to the Board within twenty (20) business days of the completion of such training. Annually, the Applicant shall provide documentation to this Board that all Agents have received at least eight (8) hours of ongoing training.
- D. This approval shall be limited to the original Applicant and shall expire on the earliest date of either:
- 1) the cessation of operation of the Establishment by the Applicant for a period of six (6) months or
 - 2) any revocation, expiration or termination of an Applicant's license from the Cannabis Control Commission, or
 - 3) any change in the Company's ownership, including without limitation, a takeover, merger, sale of assets and equity, sale to another entity for which the original Applicant and/or the individuals defined as Controlling Persons do not maintain a controlling equity interest or other change in ownership, unless such change in ownership has previously been approved in writing by this Board, in its discretion, or
 - 4) A determination by the Board, after public hearing, that there have been repeated and documented violations of the conditions of this approval. Upon such determination, the Board may decide to modify, suspend or revoke the approval or may refer the matter to the ZBA for further proceedings.
- E. The Applicant shall annually file an affidavit with the Building Inspector demonstrating that it is in good standing with respect to its license from the Cannabis Control Commission and any other applicable State licenses.

- F. The Applicant shall notify this Board within 20 days of any projected or actual material increase in the number of employees, amount of traffic, or extent of tree removal, grading, drainage or lighting beyond that specified in the Site Plan submitted, excepting for reasonable maintenance and minor modifications.
- G. The Applicant shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services.
- H. De minimis or minor changes to the Special Permit Approval may be reviewed and approved by a simple majority of the Planning Board without a new public hearing unless the Board determines such changes to be major in scope.
- I. To the extent the Applicant loads or unloads vehicles indoors, no such loading or unloading shall take place until a floor drain is installed in full compliance with all applicable codes and regulations, the same to be verified by the Building Inspector.

III. Abandonment & Removal

- A. The Applicant shall notify the Building Inspector and this Board in writing at least 48 hours prior to the intended cessation of operation of the Establishment for a period of six (6) months or more, or of the revocation, expiration or termination of the permit holder's license from the Cannabis Control Commission.
- B. The facility shall be deemed abandoned if it ceases to operate for a period of six (6) months.
- C. After six (6) months of non-operation, the Building Inspector shall provide written notification to the Applicant that such Marijuana Establishment is presumed to be abandoned. The Applicant has thirty (30) days from the issuance of such notice to rebut the presumption of abandonment by submitting evidence to the Building Inspector that the Marijuana Establishment has been in operation or that good cause exists for the non-operation and that the facility has not in fact been abandoned.
- D. If the Applicant does not respond within the thirty (30) day period or does not submit evidence that, in the discretion of the Building Inspector, proves that the facility has been in operation for the relevant six (6) month period or that good cause exists for the non-operation and that the facility has not in fact been abandoned, then the facility shall be deemed abandoned. The Building Inspector shall provide written notification of abandonment to the Applicant.
- E. The Applicant shall remove all traces of Cannabis and marijuana products from the Marijuana Establishment and, if requested by the Board, remove all greenhouses and fencing, or transfer it to another owner within nine (9) months of the date of the written notification of abandonment or such further time as the Select Board may, in its sole discretion, approve. If the Applicant fails to remove all traces of Cannabis and marijuana products, and (if requested by the Board) all fencing and greenhouses within nine (9) months, the Town shall have the right, to the extent it is duly authorized by law, to enter onto the site and remove all traces of Cannabis and marijuana products, fencing and greenhouses.

After a comprehensive discussion and agreement on language in the draft decision, Kaplan Hasanoglu made a motion to adopt and approve the decision for Green Mountain C & C, Inc. at One Rosenfeld Drive as read. Jimmy Khokhar seconded the motion and the roll call vote was as follows”

Kaplan Hasanoglu	yes
Jimmy Khokhar	yes
Chris Chase	yes
Carole Mullen	yes
Stephen Chaplin	yes

The motion was unanimously approved and the special permit granted.

Stephen Chaplin made a motion to approve the minutes of August 2 and September 6, 2023, seconded by Kaplan Hasanoglu. All were in favor.

Kaplan Hasanoglu asked for an update on the discussion regarding the Draper zoning overlay and the Chair will reach out to the property owner as to when to continue this dialogue.

Chris Chase updated the board members on the progress with the GFI/Rosenfeld project.

The next meeting will be November 1 2023.

Jimmy Khokhar made a motion to adjourn at 8:36 pm, seconded by Kaplan Hasanoglu. All were in favor.

Respectfully submitted,

Mary Arcudi
Planning Board Secretary

Stephen Chaplin made a motion to adjourn at 7:56 pm, seconded by Jimmy Khokhar. All were in favor.

Respectfully submitted,

Mary Arcudi
Planning Board Secretary