

**Town Of Hopedale
Decision of the Hopedale Zoning Board of Appeals
October 21, 2020**

Case: 02-2020

Applicant(s): Caroline Cannabis, LLC
Property Owner: Eliza Lawrence Holdings, LLC
10 Smith Hill Way Douglas, MA 01516

Property: 4 Charlesview Road
Hopedale, MA 01747

Application Filed: September 3, 2020

Hearing Held: October 21, 2020

Relief Sought: Applicant is seeking a special permit for locating and operating a retail marijuana establishment at 4 Charlesview Road, which is zoned commercial.

Decision: Following a hearing, the Board voted 4 to 1 to approve the special permit to locate and operate a retail marijuana establishment at 4 Charlesview Rd. Hopedale MA with the following conditions: that Caroline Cannabis must stay compliant with the host agreement, compliance with applicable laws and licenses, maintain 24/7 surveillance cameras and the hours of operation to be 10 am to 10 pm.

Certification

This is to certify that the above action was taken in compliance with the statutory requirements as set forth in Chapter 40A of General Laws, and that copies of this decision and plans referred to in this decision, if any, were filed with the Town Clerk on _____, 2020.

Special Permit or Variance is not in effect until the decision is recorded with the Worcester County Registry of Deeds and the building permit will not be issued until proof of recording is presented.

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PERSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

Steven J. Gallagher, Chairman

**Record of Proceedings
Hopedale Zoning Board of Appeals**

Case: 04-2020

Applicant(s): Caroline Cannabis, LLC
Property Owner: Eliza Lawrence Holdings, LLC
10 Smith Hill Way Douglas, MA 01516

Property: 4 Charlesview Road
Hopedale, MA 01747

Hearing Proceedings

Hearing Date: October 21, 2020

On October 21, 2020, the Hopedale Board of Appeals held a public hearing on the above application. The hearing, which was convened following publication, posting and notice to parties in interest, pursuant to the provisions of M.G.L. c. 40A, Section 11, was opened by the Acting Chair at 7:00 PM.

The following Board Members noted as present were in attendance throughout the hearing:

Chair (Chair): Steve Gallagher
Voting Member: Nick Alexander
Voting Member: Lou Costanza
Voting Member: Chris Hodgens
Voting Member: Sandra Biagetti

Discussion details:

Caroline Frankel presented the Zoning Board her intent to locate and open a retail marijuana establishment at 4 Charlesview Road and the details of her planned operation. She currently owns a retail marijuana establishment at 640 Douglas St. in Uxbridge, MA. The location is not within 500 feet of any K-12 school and the retail space will consist of 3465 square feet of first floor space with 46 parking spaces and 3 ADA handicap spaces on site.

Security will be fully compliant with 935 CMR 500.110 that will include perimeter alarms, proper lighting, motion detection, 24/7 recording video surveillance, duress alarm, panic alarm and holdup alarm connected to local public safety along with backup battery sources. Upon entry into the store, the individual's ID will be verified that they are over 21 and loitering around the building will not be allowed. Marijuana product packaging will be child resistant and labeled that it contains THC and it must be kept away from children. Hours of operation will be 10 am to 10 pm seven days a week.

The Hopedale Police Chief did inspect the Uxbridge location for review and spoke with the Uxbridge Police Department. The Hopedale Fire Chief and Police Chief did visit the Hopedale location and reviewed the plans and the fire detection system is in place. A letter of support was received from the Uxbridge Town Manager.

Individuals will not be making appointments to visit the establishment and Steve Gallagher inquired about COVID regulations, which will be posted and abided by.

He asked if the Police Chief instructed the business to have police detail and the Chief did not based on the opening in Uxbridge.

Nick Alexander inquired about traffic and overflow parking and it was stated that the owner of 6 Charlesview Rd agreed that their parking spots could be used if needed. No traffic study was performed for this location. The Police Chief will monitor the traffic flow and if needed, would consider adding a right turn only sign.

Jim Landry who owns his business and has tenants at 5 Charlesview Road, addressed the board with his questions regarding the busy hours of operation and glad to hear there was tight security. He is not opposed to this application.

ZBA member Chris Hodgens had reservations regarding retail marijuana establishments in Hopedale but brought up the fact that Hopedale voted 52% to 47% to approve retail marijuana at a Town Meeting. In his discussion with Caroline, she stated that the Uxbridge location is open from 10-10 pm and there are no restrictions on the type of products sold by the state and no issues have come up in Uxbridge. All products are purchased from licenses manufacturers. There are no plans for delivery at this time. Mr. Hodgens also expressed his concern over the traffic flow and the engineer explained the mitigation planned for this location, which includes changing the entrance to “enter only” and adding an “exit only” to the parking lot.

Building Inspector, Tim Aicardi inquired about the preschool next door and was informed that the preschool has found a new location and will be vacating the location by October 31, 2020.

After a discussion of what can be included in this motion such as stipulating a year or two-review period of the special permit, Chris Hodgens made the following motion: To approve the applicant, Caroline’s Cannabis, LLC of 640 Douglas St. Uxbridge, MA who is seeking a special permit for locating and operating a retail marijuana establishment at 4 Charlesview Rd zoned commercial with the following conditions: that Caroline Cannabis must stay compliant with the host agreement, compliance with applicable laws and licenses, maintain 24/7 surveillance cameras and the hours of operation to be 10 am to 10 pm. Sandra Biagetti seconded the motion and the vote went as follows:

Chris Hodgens	yes
Sandra Biagetti	yes
Nick Alexander	yes
Lou Costanza	no – based on Federal law that supersedes town and state laws regarding marijuana sales are not legal
Steve Gallagher	yes

Motion passes favorably 4-1.