

**Town Of Hopedale
Decision of the Hopedale Zoning Board of Appeals
December 9, 2020**

Case: 04-2020

Applicant(s): Green River Cannabis Company, Inc.
Address: 30 Washington St Attleboro, MA

Property: 54 Mellen Street
Hopedale, MA 01747

Application Filed: September 30, 2020

Hearing Held: December 9, 2020

Relief Sought: The applicant, Green River Cannabis Company Inc. is seeking a special permit for locating and operating a non-medical retail marijuana establishment at 54 Mellen St. The property is zoned Commercial.

Decision: The request for a special permit was denied.

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): Green River Cannabis Company Inc.

Property: 54 Mellen Street
Hopedale, MA 01747

Hearing Proceedings

Hearing Date: December 9, 2020

On December 9, 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 7:09 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 Hodgins
- Voting Member: Sandra Biagetti

Discussion details:

Attorney Constant Poholek presented the business plan for locating and operating a non-medical retail establishment at 54 Mellen Street to the Zoning Board of Appeals. A detailed discussion was held regarding parking, traffic, and their projected customer flow. Abutters were present and expressed their concerns regarding the uncertain traffic flow, lack of sidewalks, street lighting and pedestrian safety. Overall the residents felt this was a detriment to their neighborhood. Board members also questioned traffic and customer control as well as concern for proximity to a playground used by families and athletic teams. (see attached minutes for full details).

Lou Costanza made a motion to deny the special permit request of Green River Cannabis Company Inc. for locating and operating a non-medical retail marijuana establishment at 54 Mellen Street. Motion seconded by Chris Hodgins.

Before a roll call vote was taken, Chris Hodgins detailed the ZBA bylaw 10.6.d criteria.

- #1 - The detriment will not outweigh the benefit to the neighborhood.
- #2 - It has to be consistent with the town's Master Plan.
- #3 - It will not materially endanger the health or safety of the residents.
- #4 - There is sufficient off-street parking.
- #8 - It will not create undue traffic congestion or impair pedestrian safety.

After reviewing the plans provided by the applicant and listened to residents and board members, Chris Hodgins stated each of these factors weigh heavily against issuing a special permit. The burden by the applicant has not been met and the infrastructure is not there in this neighborhood to support this business.

The vote proceeded as follows;

- Chris Hodgins – yes to deny
- Nick Alexander – yes to deny
- Lou Costanza – yes to deny
- Sandra Biagetti – yes to deny
- Steve Gallagher – yes to deny

Motion passes unanimously denying the special permit.