

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

Case: 03-2020

Applicant(s): High Hopes, LLC
Russell Bogartz, Jay Lum

Property Owner: Hopedale Industrial Park, Inc.
1 Airport Drive, Hopedale, MA 01747

Property: 1 Menfi Way, Unit 9
Hopedale, MA 01747

Application Filed: September 22, 2020

Hearing Held: October 21, 2020

Relief Sought: Applicant is seeking a special permit for locating and operating a retail marijuana establishment at 1 Menfi Way, 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 1 Menfi Way, Hopedale MA with the following conditions: that High Hopes 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 9 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**

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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 7:56 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 Alternate Member: Mary Arcudi

Discussion details:

Russ Bogartz addressed the board with the plans to open a retail marijuana establishment at 1 Menfi Way Unit 9 and expressed that the 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. The facility is located next to the former Liz's Diamond restaurant, which is no longer in business. The building is 3000 square feet with a security check in area as you enter and where the individual's ID will be verified that they are over 21. The layout of the business was presented. Mr. Bogartz detailed the plan to have curbside with online ordering as an option and Mr. Gallagher and the Police Chief had concerns regarding this plan. Hours of operation are planned for 10 am to 9 pm.

There are 66 parking spaces for the entire complex and this business would be allocated 15 spots officially and has plans to add ADA handicap spots, which the Building Inspector will ensure, are done properly. The Police Chief did not have concerns regarding parking or traffic.

Chris Hodgins inquired about the provisional license, which they do have and received on October 8, 2020. They will be selling the same products all dispensaries retail with

child resistant packaging. If needed, High Hopes will entertain educating the high school students about marijuana if underage problems arise in town.

Tim Aicardi reiterated the occupancy load based on the retail square footage of 1300 square feet allows only 8 occupants during COVID. Also he reminded the board that the parking situation falls on the owner of the property and dealing with the tenants.

After a lengthy discussion, Chris Hodgens made a motion to approve the special permit for High Hopes, LLC 8 Hope Street, Hopedale MA for locating and operating a retail marijuana establishment at 1 Menfi Way, Unit 9 with the following conditions: that High Hopes 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 9 pm. Sandra Biagetti seconded the motion and the vote went as follows:

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

Motion passes favorably 4-1.