

**Town Of Hopedale
Decision of the Hopedale Zoning Board of Appeals**

Case: 04-2017

Applicant(s): Ledges Acquisition, LLC
Address: 75 Mendon Street, Hopedale, MA 01747

Property: 300 South Main Street
Hopedale, MA 01747

Application Filed: June 30, 2017

Hearing Held: August 23, 2017

Relief Sought: The applicant is seeking an appeal of the Building Commissioner's decision to deny a building permit for a warehouse.

Decision: Following a hearing, the Board voted unanimously to approve the applicant's request for appeal to overturn the decision of Building Commissioner directing him to issue the requested building permit for a warehouse at 300 South Main Street, Hopedale.

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 _____, 2017.

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: August 23, 2017

On August 23, 2017, 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 7:15 pm.

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

Chair (Chair): Steve Gallagher
Voting Member: Mary Arcudi - Alternate
Voting Member: Lou Costanza
Voting Member: David Pagnini
Voting Member: Sandra Biagetti

Discussion details:

Mr. Joseph Antonellis, Attorney for Ledges Acquisition, addressed the ZBA regarding the applicant's decision to appeal the decision to deny a building permit for a warehouse at this commercial location. Mr. Arone is requesting to build a warehouse at 300 South Main Street where he currently has an approved solar farm that he owns. The plan is to store furniture including mattresses, headboards, desks, small kitchen appliances that he needs storage for his group homes he owns in Hopedale. There will only be dry materials store in this warehouse, excluding all paint or liquid materials.

Mr. Antonellis explained to the board his interpretation of the zoning language that does not include a definition of what a warehouse is or what can be stored in the warehouse and believes the specific use is allowed. He referenced Black's Law Dictionary definition that a warehouse is "a structure used for the reception and storage of goods and merchandise. The term may include any structure used to hold goods, stores, wares, temporarily or for a length of time."

Mr. Robert Speroni addressed the board as to his reasoning to deny the building permit for a warehouse is based on his determination that this warehouse would not be a commercial use since there is no intent for commercial activity.

After a lengthy review of the language in the Hopedale zoning bylaws and the use of the proposed warehouse, Mary Arcudi made a motion to approve the appeal requested by the applicant, Ledges Acquisition and to overturn the decision of the Building Commissioner/Zoning Enforcement Officer directing him to issue the requested building permit for a warehouse at 300 South Main Street. Lou Costanza seconded the motion and the motion passed in unanimously in favor.

The motion vote was as follows:

Sandra Biagetti	yes
David Pagnini	yes
Mary Arcudi	yes
Steve Gallagher	yes

Motion was unanimously approved.