

**Hopedale
Zoning Board of Appeals
Meeting
October 21, 2020**

Chairman Steve Gallagher called the meeting to order on October 21, 2020 at 7:00 pm. Meeting was streamed live via Zoom and abutters were notified by mail. The public was invited on the posted agenda at the Town Hall and on the Town of Hopedale website. Recorded meeting can be found on the Town of Hopedale website under Meeting Videos.

Members that were present: Steve Gallagher
Nick Alexander
Christopher Hodgens
Lou Costanza
Sandra Biagetti

Secretary and Alternate: Mary Arcudi

Town Administrator: Diana Schinder
Building Inspector: Timothy Aicardi
Police Chief: Mark Giovanella
Fire Chief: Tom Daige

Applicant: For Caroline's Cannabis: Caroline Frankel, Steve Frankel and Engineer Mark Allen
For High Hopes: Jay Lum and Russell Bogartz and Engineer G. Farrell

Abutters: For Caroline's Cannabis: Jim Landry 5 Charlesview Rd
For High Hopes: No abutters were in attendance

Case 01-2020 7:00 PM

The applicant, Caroline's Cannabis, LLC 640 Douglas St. Uxbridge, MA is seeking a Special Permit for locating and operating a Retail Marijuana establishment at 4 Charlesview Rd. The property is zoned Commercial.

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.

Case 3 2020 7:56 PM

The applicant, High Hopes, LLC 8 Hope St. Hopedale, MA is seeking a Special Permit for locating and operating a Retail Marijuana establishment at 1 Menfi Way Unit 9. The property is zoned Commercial.

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 system would be the same as detailed in the discussion held with Caroline Cannabis; 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, Building Inspector, 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 Hodgins 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 Hodgins	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.

The board agreed to pass over the discussion regarding updating Section 1 “Purpose” of the ZBA Bylaws to the November meeting.

Respectfully submitted,

Mary Arcudi
ZBA Secretary