



TOWN OF HOPEDALE
ZONING BOARD OF APPEALS
TOWN HALL
78 HOPEDALE STREET
HOPEDALE, MA 01747

Christopher P. Hodgens, Chairman
Nicholas A. Alexander, Member
Sandra E. Biagetti, Member
Louis J. Costanza, Member
Scott M. Savage, Member
Mary T. Arcudi, Alternate

**Hopedale Zoning Board of Appeals
Meeting Minutes
February 16, 2022**

Chairman Christopher Hodgens called the continued public hearings to order on February 16, 2022 at 7:00 pm. Meeting was held in the Town Hall Draper Room, streamed live via Zoom and on Hopedale Cable Access.

Participation was made available through the following Zoom link:

Join Zoom Meeting

<https://us02web.zoom.us/j/89428044314?pwd=SUFVVmo3V2UydVRoN014a3cyT2tHZz09>

Recorded meeting can be found on the Town of Hopedale website under meeting videos.

Members that were present:

Christopher Hodgens, Chair
Nick Alexander
Sandra Biagetti
Scott Savage
Lou Costanza

Secretary and Alternate:

Mary Arcudi

Applicant

Attorney Antonellis, Doug Hartnett, William
Buckley

Guest

Lewis Family, Michelle Bird, Brian Poitras, Nilton
Machado, Tim Watson, Peter Kennedy, Linda
Ashworth, Len Guertin, Ricardo Lima, Colleen
Stone

Continuation Hearing Case # 01 -2022

Mr. Hodgens opened the continuation of the public hearing for Northeast Great Dane of Auburn, and C & D Land Trust. The applicant is seeking a special permit for a repair facility for trucks and trailers at 10 Tandem Way. The original hearing was heard on January 26, 2022. A special permit was granted for a repair facility for 90 days to allow discovery of compliance on January 26, 2022.

The applicant was not present for this hearing and a review of the project was held. Mr. Hodgens did receive a site plan review from the Town Clerk's office and other documentation. The board is looking for additional clarification from the applicant. This may need to be referred back to the Planning Board as it appears the business operation has changed.

Michael Morais, Warfield Street, had concerns on the huge changes in this business and the 24 hours of operations. He questioned how to rewrite the business hours and it was suggested that this might be considered if the site plan needs to go back to the Planning Board for the changes in the property and business operations.

Scott Savage made a motion to continue the hearing to March 16, 2022 at 7 pm. Sandra Biagetti seconded the motion and all were in favor.

Continuation Hearing - Case # 4 -2021

The applicant, GFI Partners, is seeking a special permit for new construction of a warehouse and distribution facility in a groundwater protection district at 75 Plain Street (Rosenfeld Concrete property).

The public hearing commenced on September 22, 2021. The hearing was continued by agreement. As of this meeting date, Mr. Hodgens has not received a report or completed decision from the Planning Board with a list of conditions to be considered by the ZBA allowing the board to accept or modify those conditions.

Lou Costanza remarked that the only request before the ZBA is the water issue. The building is under the jurisdiction of the Planning Board.

Mr. Joe Antonellis, attorney for GFI, regarding the issue of what gets completed first, stated this special permit is not for the use, since a warehouse is allowed. In his opinion, the jurisdiction is limited to the Ground Water Protection District. Otherwise GFI would not be in front of the ZBA. The storm water management was reviewed by Graves Engineering and the reports were satisfactory showing no issue of concerns and given to the ZBA to review.

Chris Hodgens added his own thoughts on the process. The Rosenfeld property is in the industrial zone and the use is permitted. The request for a special permit triggers the ZBA to review more than the requested special permit, a more comprehensive review. Section 10.6.(d) stipulates the criteria for a special permit that all ZBA bylaws are met. Once the Planning Board submits their decision, the ZBA can modify or amend the conditions. The ZBA hearing notification is sent to the abutters who may be affected by the special permit request and have an opportunity to be heard.

Lou Costanza read from a letter received from Tim Watson, Manager of Hopedale Water and Sewer Department. It states “after reviewing the storm water plan, I am comfortable with the protection provided to the Mill Street wellfield.”

Lou Costanza made a motion to approve the special permit. No member seconded at this time as the discussion was continued by the Chairman.

A lengthy discussion was held and Scott Savage, Sandra Biagetti and Nick Alexander were in agreement with Mr. Hodgens that all conditions need consideration. Mary Arcudi felt the majority of the process is with the Planning Board regarding the use of the property and overall felt the ZBA’s main focus is within what is requested in the special permit. Chris Hodgens restated that a special permit cannot be issued unless all conditions are considered as stated in 10.6 of the Zoning Bylaws. He also brought up section 18.4 which states that the Planning Board’s decision shall be incorporated into a Zoning Board decision.

Lou Costanza withdrew his motion at this time.

Mr. Antonellis agreed that he believes in cooperation between both boards and feels the Chairman is taking a broad approach to the bylaws. Section 17.6 are the standards to be used for this application. All other bylaws, in his opinion, are based on the use.

Doug Hartnett gave a summary of the process since the last hearing. The applicant had its fourth Planning Board hearing on February 2, 2022 and finalized the peer review. The Hopedale Water and Sewer Review was completed and has the support of this department. They continue to work with the Conservation Commission. He proceeded to review section 17.6 which states “to permit a use that will render imperious more than 15 percent or 2500 square feet of any lot, whichever is greater.”

Mr. Hartnett shared images of the existing site and the proposed site development plan along with record plan. This project is not to just build a warehouse but to clean up the previous industrial use and restoration of the areas. He cited the Graves Engineering report that they have

no issue relative to compliance with the Ground Water Protection bylaw. Graves report also states that there is a net benefit the project in promoting infiltration on the site. He also shared the letter from the Water and Sewer Department that indicates they are in agreement with the protection to the Mill Street wellfield. The applicant believes this project complies with and meets the objective of the zoning regulations.

Sandra Biagetti requested to walk through the property with Mr. Hartnett and a date and time will be agreed upon. Resident Peter Kennedy, Hopedale Street, also asked to have residents visit the site and Attorney Antonellis said the applicant has concerns regarding liability for residents.

William Buckley inquired to the ZBA's expectations in the next steps and Mr. Hodgins reported that he is waiting for the decision from the Planning Board and to see that the concerns of the residents has been addressed.

Scott Savage made a motion to continue the hearing to March 16, 2022, with agreement from the applicant. Sandra Biagetti seconded the motion and all were in favor.

Board Comments

Lou Costanza asked again about the signs that have not been approved by the ZBA that are posted in town. Mr. Hodgins will speak with the Building Commissioner.

Mr. Hodgins asked about the outstanding publication bills and the secretary mentioned he should speak with the Accounting Department.

The ZBA has a new application for Patriot Custom Auto.

Mr. Hodgins asked the secretary to reach out to Constant Poholek from Green River regarding signing of his withdrawal request. He also requested contacting the applicant from 10 Tandem Way to be available at the next meeting and Lou Costanza asked for permission to meet with the owners which was granted by the Chair.

Sandra made a motion to adjourn at 8:30 pm, seconded by Lou Costanza and all were in favor.