



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

**Hopedale Zoning Board of Appeals
Meeting Minutes
March 30, 2022**

Chairman Christopher P. Hodgens called the Zoning Board of Appeals (ZBA) public meeting and public hearing to order on March 30, 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>

Meeting ID: 894 2804 4314

Passcode: 439560

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

Members that were present:

Christopher P. Hodgens, Chairman
Sandra E. Biagetti
Scott M. Savage
Louis J. Costanza

Applicant(s) / Representative(s): Mauricio A. Oliveira and Patriots Custom Auto, Inc.

Hearing on Application of Mauricio A. Oliveira and Patriots Custom Auto, Inc. (Case # 2-2022)

On March 30, 2022, Chairman Christopher Hodgens opened a public hearing on the application of Mauricio A. Oliveira and Patriots Custom Auto, Inc. The applicants are seeking a special permit for used motor vehicle sales at 6 Airport Road.

Four members of the ZBA were present with one member (Nicholas Alexander) absent. Mr. Hodgens explained the public hearing process and outlined the procedural posture of the application. Mr. Hodgens invited Mr. Oliveira to present his application. Mr. Oliveira said that he already has a permit for the business across the street. He is looking to move to this new location.

Mr. Hodgens then read from the application the relief being requested: “We are moving from 1B Airport Drive to 6 Airport Road to a bigger office to allow us more storage for our vehicles. Our current space does not have sufficient space for vehicles to be stored inside so we have procured a larger space to allow us to comply with our existing license restrictions (License # 20-12). Our business hours are also being adjusted to 10 AM – 4 PM (M-F). We would also like to increase the number of allowed vehicles to a maximum of ten (10) units, since our new location has a larger indoor space to accommodate more vehicles.” Mr. Oliveira had nothing else to add.

Mr. Hodgens invited questions and comments from ZBA members. Louis Costanza asked if there was a problem with this property. Mr. Hodgens provided the history of the property. On May 15, 2019, the ZBA issued a special permit to Josimar A. Dos Santos for the property at 1B

Airport Drive for buying and selling used cars indoors with a limit of 5 cars. Repair work is not allowed. Mr. Oliveira verified that this is the current location of his business. He also operates a construction framing business. (Patriots Custom Auto and Patriots Custom Builders). Mr. Oliveira wants to separate the businesses, and the framing business will occupy the current location. He wants to move his car business to the new location at 6 Airport Drive.

Mr. Hodgins asked about an incident on January 4, 2022, as memorialized in a Hopedale Police report. Mr. Oliveira acknowledged the incident took place. A friend attached a dealer plate to one of his vehicles to move a car from one place to another. The police informed Mr. Oliveira that he is not allowed to attach plates. Mr. Oliveira said he understood and returned the dealer plate to his friend.

Mr. Costanza asked about other sales in town in addition to the airport. Mr. Oliveira said that he only sells vehicles at the current location. Mr. Costanza specifically asked about a vehicle with a sign on it on route 140 (Evergreen Way). Mr. Oliveira said that he does not sell in any location other than the airport.

Scott Savage asked about the layout showing a mechanic office. Mr. Oliveira said there will not be any repairs taking place at the new location. The only repairs that take place involve repairs of construction vehicles (connected with the framing business) at the current location.

Mr. Costanza asked if the business at the current location will continue to operate. Mr. Oliveira said the current location will only be for the construction framing business. Mr. Dos Santos no longer operates out of the location, and Mr. Oliveira is the sole occupant of that building.

Mr. Savage wanted to make it clear that the special permit will be for the sale of automobiles only, and there will be no repairs taking place. Mr. Oliveira said that he understood.

Mr. Hodgins read from the assessor's description of the property. The property contains 7/10 of an acre mainly classified as commercial, with a corrugated warehouse built in 1983, containing one unit. Mr. Oliveira verified that is the property. Mr. Hodgins referenced a Google Earth photograph depicting the property. Mr. Hodgins asked about parking. Mr. Oliveira said that there is parking for about 6 to 8 cars. Mr. Oliveira verified that he is only looking to display cars inside the building.

Mr. Costanza recommended that the police chief attend the meeting. Mr. Costanza said he believes we are missing some information.

Mr. Hodgins outlined the options – continuation or vote. All four votes would be needed for the special permit to issue. Mr. Savage suggested we continue the matter.

Building Commissioner Tim Aicardi (present) discussed his ability to inspect the property if needed. Mr. Oliveira knows now that he cannot attach plates. Mr. Aicardi said that he will be happy to inspect the property periodically if that would assist the ZBA in making a decision.

Mr. Hodgins asked about the hours of operation. Mr. Oliveira said he would operate 10 to 4 Monday through Friday. Mr. Hodgins reminded Mr. Oliveira that any signs have to be approved by the Building Commissioner. Mr. Hodgins then walked through a checklist of requirements for a special permit and asked any ZBA members to speak up if there is any disagreement with the conclusions: (1) use is in harmony with the general purpose of the by-laws given the nature of the other businesses in the area; (2) the applicant is in compliance with the current by-laws;

(3) the use will not have a detrimental impact on zoning district; (4) the master plan is not a factor; (5) there are no evident public safety concerns with the retail establishment; (6) sufficient off-street parking exists; (7) water, sewer, and groundwater issues are not adversely impacted; (8) and the small number of cars being sold will not have an impact on area traffic. Mr. Hodgens said the requirements for a special permit appear to be met, and he asked for input from other ZBA members. Mr. Costanza said he wants to check this out with the police chief before any vote is taken. Mr. Hodgens said that the members traditionally defer to other members who want to seek more information.

Mr. Hodgens asked Mr. Oliveira if he would agree to continue the public hearing. Mr. Oliveira agreed.

No members of the public or those notified as abutters voiced any objections to the application or to a continuance of the hearing.

The next meeting is scheduled for April 20. Mr. Hodgens said that he would send the continuance form to Mr. Oliveira for his signature.

Mr. Savage made a motion to continue the hearing to April 20 at 7 p.m. Ms. Biagetti seconded the motion. The motion passed unanimously.

Meeting with Building Commissioner

At the request of the ZBA, Building Commissioner Tim Aicardi attended the meeting to discuss the proliferation of signage throughout Hopedale.

Mr. Hodgens asked Mr. Aicardi for his thoughts. Mr. Aicardi said that businesses naturally want signage to advertise, but the number of temporary signs has become an issue. He suggested authorizing temporary signage with an expiration date. That would be a compromise that enables him to enforce the by-law with certainty. He said that the alternative would be to take everyone to court or start taking signs down. Waving signs, in particular, are a problem because motorists can be distracted.

Mr. Costanza mentioned that we have temporary signs right out in front of the town hall. This situation is a problem. Ms. Biagetti said that we would have to see the lease before making a judgment.

Mr. Hodgens emphasized that we need certainty for enforcement purposes, and we need consistency. We cannot expect businesses to take down signs if temporary signs are present on various town properties.

Mr. Savage mentioned that we have a similar situation with real estate signs. They are necessary, but they cannot become permanent.

Mr. Hodgens added that the ZBA website has information on signage. He suggested that anyone looking to add a sign to property should check the website and notify the Building Commissioner. Mr. Aicardi agreed that it should be regulated. Mr. Hodgens also said that the ZBA website has information on zoning complaints. The process should start with the Building Commissioner.

Mr. Hodgens thanked Mr. Aicardi for all of his work and for coming in to meet with the ZBA.

New Business

Mr. Hodgins said that Mary Arcudi, a long-time alternate member of the ZBA (and clerk) sent an email indicating that she was resigning from the ZBA. Mr. Hodgins thanked her for her many years of service to the town and on a personal level thanked her for all of the help that she has provided to him as chairman. She played an instrumental role in preparing meeting minutes and sending out hearing notices. Ms. Arcudi's work, however, was often unseen by residents, and she brought to the table a lot of institutional knowledge about zoning and municipal government and helped to keep things running smoothly. Ms. Arcudi has always been appreciated for her contributions to the ZBA. She was a pleasure to work with.

Mr. Costanza said that Ms. Arcudi was a real asset to this board.

Ms. Biagetti said that Ms. Arcudi's departure is a real loss to the board.

Mr. Savage said he wanted to echo the statements of others. He also noticed the contributions to the ZBA. He thanked her for her service.

Executive Session

Mr. Hodgins explained the need to enter into executive session. There is a pending lawsuit against the ZBA regarding High Hopes. High Hopes appealed the decision of the ZBA limiting sales to indoors. There is a new lawyer for the town on the case (Robin Stein). She wanted to update the ZBA on the status of the case. The ZBA will not be returning to open session.

Mr. Costanza moved to enter into executive session. Ms. Biagetti seconded the motion. By roll call vote, all members voted to enter into execution session:

Louis J. Costanza	yes
Sandra E. Biagetti	yes
Scott M. Savage	yes
Christopher P. Hodgins	yes

8:08 p.m. meeting adjourns for executive session and does not return to open session.