



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

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**Hopedale Zoning Board of Appeals  
Meeting Minutes  
January 19, 2022**

Chairman Christopher Hodgens called the continued public hearings to order on January 19, 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

**Legal Counsel:**

Jonathan Silverstein

**Secretary and Alternate:**

Mary Arcudi

**Guests:**

Constant Poholek, Mary Bentley, Lewis Family,  
Colleen Stone, Nilton Machado, Lucas Machado

Chairman Christopher Hodgens announced and moved that the ZBA would be closing the open meeting and moving into Executive Session in accordance with G.L. c. 30A, §21(a)(3) (Purpose #3), to discuss strategy with respect to litigation that an open meeting may have a detrimental effect on the litigation position of the public body and the chair so declares, which he does. Re: High Hopes Appeal of the ZBA decision made on July 21, 2021, Attorney Jonathan Silverstein presenting. Scott Savage seconded the motion and the vote was as follows:

Lou Costanza	yes
Scott Savage	yes
Sandra Biagetti	yes
Nick Alexander	yes
Mary Arcudi	yes
Chris Hodgens	yes

At 7:29 pm, Chris Hodgens closed the executive session hearing and re-opened the public hearing.

**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. This hearing will also be kept open and continued to the February 16th meeting date. The applicant was not present but is not required to do so as the ZBA has an agreement to

continue this hearing until the Planning Board has signed off on their site plan review and the ZBA is in receipt of their decision and recommendations. Lou Costanza asked if the vote to approve the special permit could be held since it is for groundwater protection which the Planning Board's peer review states that they have no issue relative to compliance with Section 17.6(c) (6) The Chairman stated the board should not vote until the Planning Board's final report was received. The Planning Board is currently reviewing the traffic reports that were submitted by the applicant and reviewed by MDM Transportation.

Chris Hodgins confirmed receiving a petition from Michelle Bird with resident's concerns with the project at 75 Plain Street. He also received an email from Kevin Evers with concerns with the site plan and from Colleen Stone regarding the scale of the project.

Nick Alexander made a motion to continue the hearing for 75 Plain Street to February 16, 2022, seconded by Sandra Biagetti. All were in favor.

#### Continuation of Public Hearing - Case # 6 -2021

The applicant, Green River Cannabis Company, Inc., is seeking a special permit for retail marijuana sales in an existing building located at 5 Condon Way, Unit 5E.

The hearing notice was published in the Milford Daily News on October 27 and November 3, 2021. The posting at the Town Hall was done on October 20, 2021. The public hearing was heard on November 17, 2021, continued on December 19, 2021 and continued to this hearing. Constant Poholek discussed the ongoing concerns the ZBA has with the parking at this particular location. He presented the board with a of number of items for consideration outlined as follows:

1. Green River Cannabis will designate on a revised site plan five parking spaces for customers in the front parking lot of 5 Condon Way. This will assure additional parking capacity for by-appointment customers as well as to improve on-site traffic circulation.
2. The petitioner shall see customers on an appointment only basis with no more than 12 customers per hour to ensure a smooth flow arriving to and from the site and allow the petitioner to anticipate customer volume. In addition, maintain a real time indicator clock on its website to enable customers to determine if appointments are on time or running late.
3. Employee parking will be off site at 8 Condon Way in which six designated spaces will be available for employees at all times. They will establish an on-site carpool for employees, encourage ride sharing and reimburse employees for cost of travel to and from the site.
4. There will be no more than four employees allowed on premises at any one time.
5. The Petitioner shall prepare a table with ZBA input that lists possible issues that might precipitate during business operations, hours and corresponding mitigation solutions, which would be made part of the special permit.
6. The Petitioner shall prepare a mitigation plan to minimize, or to the extent practicable prevent, hovering of vehicles in the area including but not limited to a private security company controlling traffic and parking for the first ninety days and thereafter if necessary.
7. Green River Cannabis Company shall report to the town on a six month minimum basis as determined by the Town of Hopedale for the first two years, details as to the daily and hourly customer volume and in a format satisfactory by the Town. In addition, the petitioner after commencement of operations shall attend look back review meetings with the ZBA and Hopedale Police at intervals of 30, 60 and 90 days and thereafter at intervals of 6, 12, 18 and 24 months. The Petitioner shall keep records detailing the number of appointments per day and review of the established protocol. The ZBA shall also solicit comments from the public at any time regarding the above.

8. The parties may agree to other items to be presented by the town to the applicant at the hearing and in the special permit decision.

Constant Poholek reiterated that Green River Cannabis is trying to work with the town, looking at future medical marijuana sales, which he was reminded needs an additional special permit.

### **Board Comments**

Nick Alexander still has issues with the parking requirement. Each tenant at this location is allowed a certain number of spots and the arrangement suggested by the applicant does not take into consideration these other current and future tenants. Chris Hodgins inquired about a signed agreement with the property owner regarding the arrangement of 5 assigned parking spaces, which the applicant did not have. Scott Savage still has issues with the pedestrian's walkways that are not available at this site for patrons to park elsewhere and walk to the location if parking spaces in front of the building are taken.

The applicant provided a video of the proposed software to be used to schedule appointments and it detailed a cell phone lot. Green River Cannabis will not be providing a cell phone lot for patrons to wait for their appointments. Chris Hodgins reminded the applicant that curbside pickup is prohibited.

Chairman Chris Hodgins reviewed the Hopedale ZBA bylaw 10.6 for special permits and his concerns that are not met relate to section outlined below.

- 10.6 (d) #3 "The use will not materially endanger or be hazardous to the public health and safety"
- 10.6 (d) #4 "Sufficient off-street parking exists or will be provided to serve the use"
- 10.6 (d) #8 "The use will not create undue traffic congestion or unduly impair pedestrian safety"

### **Public Comments**

There were no public comments on this special permit application.

Chairman Chris Hodgins closed the public hearing on Case #6 2021, Green River Cannabis at 8:15 pm.

After a brief wrap up of the outstanding concerns, Constant Poholek indicated that Green River Cannabis is interested in withdrawing this special permit application and will research another location. Scott Savage made a motion to accept the withdrawal of Green River Cannabis' application for a special permit for adult recreational marijuana at 5 Condon Way Unit 5E without prejudice. Motion seconded by Nick Alexander and the vote was as follows:

Lou Costanza	yes
Nick Alexander	yes
Sandra Biagetti	yes
Scott Savage	yes
Chris Hodgins	yes

Motion passes unanimously in favor to accept the withdrawal of this special permit without prejudice.

### **Public Questions or Comments**

Nilton Machado commented that the applicant for GFI was also not present for the previous Conservation Commission meeting and he was told that the applicant is not required to be present for the ZBA Continuation hearing until the Planning Board has completed their decision on the site plan review.

### **Correspondence and Information**

- Patriot Custom Auto sent an inquiry to the ZBA regarding changing the business license to show more cars and the Chairman responded with the ZBA application process.
- Blackstone Valley Naturals sent an inquiry regarding retail marijuana and was directed to the ZBA website for details and application information.
- A resident emailed a question regarding the appeal and litigation regarding the Mellen Street application for marijuana retail and was informed that the appeal was dismissed on August 24, 2021 with prejudice.
- Town Administrator emailed the ZBA regarding the question of how marijuana retail has impacted the town in any way and detailed the use of the 3 percent impact fee imposed on these businesses.
- The ZBA was included on an email from the Water and Sewer Department regarding Fly Ash Silos in Hopedale.

Scott Savage made a motion to pass over approving the outstanding ZBA minutes, seconded by Sandra Biagetti. All were in favor.

Nick Alexander made a motion to adjourn at 8:44 pm, seconded by Scott Savage and all were in favor.

Respectfully submitted,

Mary Arcudi  
ZBA Secretary