



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

Christopher P. Hodgins, Chairman
Nicholas A. Alexander, Member
Sandra E. Biagetti, Member
Louis J. Costanza, Member
Scott M. Savage, Member

**Hopedale Zoning Board of Appeals
Meeting Minutes
May 17, 2023**

Chairman Scott Savage called the public hearing to order on May 17, 2023 at 7:00 pm. The meeting was held in the Town Hall Draper Room, streamed live via Zoom and on Hopedale Cable Access.

Members that were present:

Scott Savage, Chair
Nicole G. Small
Lou Costanza
Nick Alexander
Sandra Biagetti

Secretary:

Mary Arcudi (zoom)

Applicants:

Jodie and Jarred Tandy, Jackie and Joe Pratt, Mark Fitzpatrick, Constant Poholek, Antonio Pinto

Guests:

Allen Lavoie, Caroline Frankel, Ryan Poholek, Maryjane Bentley

Approval of Minutes: Lou Costanza made a motion to approve the minutes from April 19 and May 1, 2023, seconded by Sandra Biagetti. All were in favor.

Case 03-2023 7:0 pm -Continuation public hearing on the application of Jared and Jodie Tandy 14 Hammond Road

The application seeks a special permit regarding to section 6.3 of the Zoning By-Law to build an accessory apartment.

For the record, ZBA voting member Sandra Biagetti was absent for the hearing on April 17, 2023. She completed the certification required pursuant to General Law c 39 Section 23D and filed this with the Town Clerk, as she only missed one session of the application's hearings and viewed the hearing via Hopedale Town Streams.

Jared Tandy had emailed the Zoning Board the updated plans for the proposed accessory apartment. The hand drawn plans included the reduction of the addition from 754 square feet to 600 square feet and dimensions the board asked for. Mr. Tandy attended the Conservation Commission meeting and it has been confirmed that there are no concerns from this Commission regarding this addition.

Public Comments

None

Board Comments

Lou Costanza, inquired about the entrances and Mr. Tandy stated there will be two egresses, one off the back of the addition and one off the side. No entrance will be from inside the house.

Lou Costanza made a motion to close the public hearing for an accessory apartment at 14 Hammond Road, seconded by Sandra Biagetti. All were in favor.

Lou Costanza made a motion to approve the one bedroom 600 square foot accessory apartment, at 14 Hammond Road as shown on the hand drawn plans presented with the following conditions:

- The applicant must occupy the primary residence
- Mrs. Tandy's parents, Joseph and Jacqueline Pratt will be residing in the accessory apartment
- Inspections will be allowed, if necessary, by the Building Inspector
- Sale of the home would require a new special permit

Motion was seconded by Sandra Biagetti and motion passes unanimously in favor.

Case # 7-2023 – Public Hearing Notice for Green River Cannabis for 150 Hartford Ave Unit C

The applicant, Green River Cannabis seeking a special permit related to 11.5 and 12.12 of the Hopedale Zoning By-Laws to operate as a marijuana retailer at 150 Hartford Avenue Unit C.

Constant Poholek, President of Green River Cannabis Company presented his application for an adult retail cannabis facility at 150 Hartford Ave. Unit C. The Host Agreement was approved by the Select Board in February of 2023. This is a 1000 square foot building within a shopping retail strip. This operation will not include cultivation or manufacturing of marijuana. The business will have access to 78 parking spaces in this location. There will be two entrances, one in the front of the building for customers and the rear entrance for deliveries. Scott Dana, from New England Safety Systems detailed the security that will be in place and the Hopedale Police Chief does not have issues with the security at this point in time.

Hours of operation requested are 9 am to 10 pm. Unusable waste will be disposed and logged accordingly and held in the inside vault until removed by professional disposal service. The applicant believes they are in compliance with zoning and setback provisions of the Hopedale Zoning Bylaws. A full review of the business operations was detailed for the ZBA.

Public Comments

Caroline Frankel, owner of Caroline's Cannabis located at 4 Charlesview Road, pointed out there are 10 business unit at this location and questioned the number of parking spaces for this additional retailer. She also stated that the two current marijuana retailers' hours were 10 am to 10 pm. Chairman Scott Savage indicated that the likelihood that all the spaces in this retail location would be used at the same time should not create a problem. Constant Poholek reminded the board that the employees will be parking in the rear parking area and there were additional spaces available in the rear for customers if need be. The board will consider the hours of operation when making their final decision.

Board Comments

Lou Costanza had questions regarding ADA compliance and Constant Poholek will make sure that all signage and location of ADA spaces will be labeled correctly. He asked about the dumpster usage and it was reported it will be for cardboard and plastic type of waste. He also questioned the spot zoning and Scott Savage stated this is not relative to the Zoning Board. The recent zoning change has been approved by the Attorney General and is beyond the scope. Nick Alexander also had parking concerns during certain high-volume times. Scott Savage said this is a 9800 square feet retail facility and the additional spaces in the rear are above the requirement by the state. Antonio Pinto, partner in the property, said he will add signage for parking in the rear parking lot and mentioned the foot traffic at this location is minimal.

The board members discussed the waste product disposal which Mr. Poholek stated would be contained and locked in the vault until disposed by the professional disposal service.

Lou Costanza made a motion to close the public hearing for the special permit for Green River Cannabis to locate a marijuana retail facility at 150 Hartford Ave. Motion seconded by Sandra Biagetti and all were in favor.

Sandra Biagetti made a motion to approve the special permit to locate a non-medical retail cannabis facility at 150 Hartford Ave. Unit C with the following conditions:

- Retain compliance with the Host Agreement
- 24-hour security that requires approval from the Hopedale Police Chief
- Hours of operations to be 9 am to 10 pm
- Facilitate signage for additional parking in rear of building
- Curbside transactions prohibited unless allowed by state of Massachusetts

Nick Alexander seconded the motion and the vote was as follows:

Lou Costanza	no, as the federal law prohibits marijuana
Nick Alexander	yes
Sandra Biagetti	yes
Nicole G. Small	yes
Scott Savage	yes

Lou Costanza made a motion to adjourn 8:17 pm seconded by Nick Alexander. All were in favor.

Respectfully submitted,
Mary Arcudi

ZBA Secretary