



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
November 17, 2021**

Chairman Christopher Hodgens called the public meeting and continued public hearings to order on October 20, 2021 at 7:23 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 for each case:

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

Town Administrator:

Diana Schindler

Secretary and Alternate:

Mary Arcudi

Applicants and Representatives:

Attorney Constant Poholek, James Evans, Mark
Jarvis, Scott Dane

Guests:

Tim Watson, Ricardo Lima, Brian Keyes, James
Evans

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 Milford Daily News published the public hearing notice on October 27 and November 3, 2021. The Town Clerk posted the public hearing notice on October 20, 2021. The certified abutter's list was obtained from the Assessor's Office and all abutters were sent the notice on October 26, 2021. No letters of concern were received by the ZBA from residents.

Attorney Constant Poholek, representing Green River Cannabis detailed the request for a special permit for retail sales of marijuana at 5 Condon Way, Unit 5E. The applicant had previously applied for marijuana sales retail business on Mellen Street. The ZBA denied that application on December 9, 2020. The current application concerns a building adjacent to a federal building. The Cannabis Control Commission has stated that there is no issue with this location. Condon Way is located in a light industrial zone, and this unit is located towards the end unit. The applicant is proposing to renovate the existing 2000 square foot unit. No cultivation or product manufacturing will occur at the facility. Condon Way is privately maintained. The subject property is not located near any school, day care, or location where children congregate. The property includes 23 parking spaces and 2 handicap spaces. The applicant is proposing a lease agreement with tenant Gavin Associates at 8 Condon Way for 3-4 overflow parking spots for

employees. The proposed use includes a private garage in the rear of the building where deliveries will be made. The garage would open; the van would drive in; the door would close; and delivery would be made to the secure location. The applicant expects 120 customers per day, 12 customers per hour for 10-12 minutes per customer. This pace of traffic will be controlled by an online preorder, prepaid application where customers would place their order, pay and receive a time for pickup. Some customers may walk in and will be allowed in if not in conflict with prepaid customers. The applicant believes that traffic should not be an issue in as the roadway is wide and adequate for traffic flow. Hours of operation would be 10 am to 8 pm. Security will be installed by ADT. The applicant will have interior and exterior cameras and alarms. The product vault will be locked at all times, and no product will be in customer area. The Police Chief, Fire Chief, and Building Commissioner will be asked to review the security.

The customer protocol will be as follows:

- customer arrives outside the dispensary
- security personnel checks customer ID outside dispensary
- customer enters a secure area where ID is scanned
- customer enters main retail area
- customer goes to a sales clerk to review a menu of products, places an order and pays
- customer is guided to a door to exit, which is locked and does not allow re-entry.

Green River has a provisional license, which needs to be updated once a location is approved. The architectural plans need to be approved by the Cannabis Control Commission along with the Building Commissioner.

Chairman Hodgins opened up the discussion to the ZBA members. Lou Costanza inquired if the applicant has applied to the Planning Board for a site plan review. Nick Alexander and Scott Savage both had concerns regarding the exclusive parking for this location and requested to see documentation regarding allocated parking spaces. There may be 23 parking spots but these may be assigned to the other tenants in this building. Scott Savage also questioned whether the garage was designed for vehicles to drive in. The finalized site plan should indicate these specifications of the garage. He requested documentation regarding the qualifications of the security staff and for details of snow storage. He had concerns for pedestrians walking from other parking areas to the business and suggested a pedestrian cross walk. Mr. Savage requested information on the other tenants in the area. A comparison with other preorder/prepaid marijuana businesses would also be appreciated.

Mr. Alexander asked how many employees would be working at the location. The applicant indicated that 4 employees per shift would be present. Mr. Alexander noted that the employees would therefore be taking up 4 of the available spaces.

Mary Arcudi asked if a site plan review is required, since there is no change to the structure of the facility and only interior changes were in the plans. Previous applicants for similar businesses were not required to submit an application to the Planning Board for review since they also were only making interior changes.

Mr. Hodgins indicated that site plan review is probably not required because there is not an increase in the building size, and there is not an increase in parking.

Mr. Savage stated that if the garage was not equipped to handle the vehicles to drive into the garage, that a site plan review might then be needed.

Mr. Costanza asked why the matter is even before the ZBA at his point. He noted that there is no site plan review and not input from the Police and Fire Chiefs.

Mr. Hodgins brought up the fact that the site plan review, dated August 3, 2016, and presented to the ZBA, is not signed by the Planning Board. He stated that he is unsure if this review was completed and approved. Mr. Poholek stated this document was received by the landlord and would obtain a signed copy. Mr. Hodgins noted that the current parking areas (represented on the plan) do not appear compliant with the zoning by laws. Mr. Hodgins added that while site plan review may not be required, the applicant has to persuade the ZBA that relief is warranted. Therefore, site plan review might be useful. The problem appears that the applicant is looking to use parking spaces that are allocated to other tenants. The result is that cars would have to park in the street. On-street parking is not allowed.

Mr. Hodgins also noted a discrepancy between the Host Agreement which states the facility is 1500 square feet and the application which states 2000 square feet. Parking spaces are listed on the Host Agreement and a note that there is street parking which is not allowed. The applicant indicated that 1500 square feet is the correct number (approximate).

Mr. Savage also questioned the “overflow” parking proposal. He suggested that the applicant address this issue at some point.

There were no questions or concerns from the audience.

After a lengthy discussion, Lou Costanza made a motion to continue the hearing for Green River Cannabis, which was mutually agreed, to December 15, 2021, at 7 pm. Mr. Hodgins outlined the options at this point. He noted that there are some significant deficiencies noted by board members. The applicant could press on with the hearing, or agree to a continuance to address the issues raised.

Mary Arcudi suggested that the applicant could take some steps to address the issues and return to the ZBA. The applicant was not sure, however, about obtaining site plan review. Mr. Hodgins indicated that site plan review may not be necessary, but there are other matters that should be addressed. Mr. Hodgins also discussed the floor plan and the documents submitted. Mr. Hodgins noted that the architect is prepared to draw up plans for the Cannabis Control Commission, but the ZBA is left with reviewing sketches that are not entirely clear.

Mr. Hodgins noted that the ZBA is not singling out the applicant. These are recurring issues with applications. Rules have been adopted to help people to understand the process. Reference to the rules might be helpful.

Mr. Hodgins asked the applicant if he would be willing to continue the matter. The applicant agreed to continue the matter to another date (the regular monthly meeting date). At that time, the applicant is expected to submit a site plan review signed and dated by Planning Board members, the dimensions to be included on the floor plan, corrections to discrepancies between the Host Agreement and the ZBA Application, Police and Fire Chief recommendations, and landlord documentation showing parking spaces and details on the garage.

As a point of clarification, Mr. Hodgins added that submitting these additional documents and information does not bind the ZBA to an automatic approval as the documents need to be reviewed and additional concerns may arise.

Nick Alexander seconded Lou Costanza's motion to continue. All were in favor. The applicant and the Chairman will complete the Continuation Hearing Notice, and it will be filed with the Town Clerk. Mr. Hodgins announced that the public hearing will be continued to December 15 at 7 pm at the Town Hall.

Continuation Hearing - Case # 3 -2021

The applicant, Lifted Genetics, LLC, and David Griffiths are seeking a special permit for new construction of a two-story industrial building for cultivation of marijuana at 6 Condon Way. Chairman Hodgins discussed the background of this matter. The ZBA deferred taking action on the application in order to allow the Planning Board to conduct site plan review. The applicant has agreed to this procedure. The matter will continue to appear on the monthly agenda until such time as the Planning Board has completed site plan review, and the applicant is ready to proceed. Mr. Hodgins reported that he received written notification from the applicants requesting this public hearing be continued to a future date.

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). Chairman Hodgins discussed the background of this matter. The ZBA deferred taking action on the application in order to allow the Planning Board to conduct site plan review. The applicant has agreed to this procedure. The matter will continue to appear on the monthly agenda until such time as the Planning Board has completed site plan review, and the applicant is ready to proceed. Mr. Hodgins reported that he did not receive any updates on this special permit or any information from the Planning Board.

Mr. Hodgins moved that the hearing for Lifted Genetics and GFI Partners be continued to the next monthly meeting on December 15, 2021. Mr. Alexander seconded the motion, and all voted in favor.

Public Questions or Comments

None.

Motion to adjourn made by Lou Costanza, seconded by Nick Alexander, and voted unanimously at 8:19 pm.

Respectfully submitted,

Mary Arcudi
ZBA Secretary