



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
September 15, 2021**

Chairman Christopher Hodgens called the public meeting and continued public hearings to order on April 21, 2021, at 7:00 pm. Meeting was held in the Town Hall Draper Room, streamed live via Zoom and on Hopedale Cable.

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

All abutters were previously notified by mail. The public was invited on the posted agenda at the Town Hall and on the Town of Hopedale website. The Town Clerk posted the meeting notice and agenda on August 25, 2021.

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

The applicants, Jeffrey P. Long and Michelle D. Long, are seeking a special permit to add an accessory apartment to a single-family residence located at 211 Mendon Street.

Members that were present

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

Secretary and Alternate:

Applicant and Representation:

Police Chief

Abutters Present:

Jeff and Michelle Long
Mark Giovanella
None

Continuation of Case 02-2021:

The applicants, Jeff and Michelle Long are seeking a special permit to add an accessory apartment to a single-family residence located at 211 Mendon Street.

Jeff and Michelle Long presented the ZBA with conceptual drawing floor plans to construct an accessory apartment at 211 Mendon Street showing the reduction from 740 square feet to 600 square feet. There would be no additional exterior work/addition added to this structure.

Chairman Chris Hodgins reminded the applicants and audience of the restrictive section 6.3 bylaw for accessory apartment including that the owner of the dwelling in which the accessory apartment is located shall live in the dwelling, the occupant shall be related by blood or occupied by an individual hired to provide medical assistance or child care, that the building maintain the appearance of a one family residence, that the apartment shall be clearly secondary and not exceed 600 square feet, no more than one bedroom, and when the dwelling is sold, it reverts back to a single family use.

After a review of the new floor plan, Lou Costanza made a motion to deny the special permit request for an accessory apartment at 211 Mendon Street. Mary Arcudi seconded the motion. The vote went as follows:

Lou Costanza	yes
Sandra Biagetti	no
Scott Savage	no
Mary Arcudi	no
Chris Hodgins	no
Nick Alexander	unable to vote or participate as he was not present at initial hearing

Motion did not pass.

After further discussion among ZBA members and the applicants, Mr. Hodgins invited ZBA members to consider, if inclined to grant a special permit, to incorporate provisions from the Hopedale Zoning By-Laws into conditions of the special permit. That way, all parties would clearly understand what is allowed and what is prohibited. All members agreed that such incorporation into the special permit conditions would be helpful to all concerned and would avoid confusion going forward.

Scott Savage suggested adding a condition that required re-application for a special permit after a period of years at which time the building inspector would conduct a site visit. Mr. Savage said that such a process would help assure compliance with the special permit conditions. The applicants objected to the idea of repeatedly having to go through the special permit process. Mr. Hodgins suggested a compromise that would address Mr. Savage's concern without unduly burdening the applicants. Mr. Hodgins proposed the applicants agree to cooperate with the building inspector in the event that there arose a need to assure compliance with the special permit conditions in the future. The applicants expressly agreed to so cooperate and allow inspection if needed in the future. All ZBA members expressed agreement as well.

Mr. Savage then made a motion to approve the request for a 600 square foot accessory apartment at 211 Mendon Street with the following conditions:

- The size of the accessory apartment cannot exceed 600 square feet and the addition built according to the presented plans.
- Family member residing in the accessory apartment will be Michelle's brother, Mark Polomarenko.
- Applicants will allow the Hopedale Building Inspector to inspect accessory apartment when a need may arise.
- The applicants will abide by all conditions of the 6.3 Hopedale Zoning bylaws which include the owner of the dwelling in which the accessory apartment is located shall occupy one of the units, and the occupant shall be related by blood, marriage, medical assistant, custodial care or child care to one of the individuals in the other unit. When the unit is sold, or when the need ceases, the dwelling shall revert to a single family

use and the accessory apartment may not be reoccupied unless a new special permit is obtained. The design shall be such that the appearance of the building remains that of a one family residence.

Sandra Biagetti seconded the motion and the vote was as follows:

Scott Savage	yes
Lou Costanza	no, based on the existence of the existing finished space located next to the proposed accessory apartment
Sandra Biagetti	yes
Mary Arcudi	yes
Chris Hodgens	yes
Nick Alexander	was unable to vote or participate as was not present at initial hearing

Motion passes favorably to allow the 600 square foot accessory apartment at 211 Mendon Street under a special permit with conditions:

- (1) family member residing in the accessory apartment will be Michelle's brother, Mark Polomarenko;
- (2) applicants will allow the Hopedale Building Inspector to inspect the accessory apartment should it become necessary to assure compliance with the special permit;
- (3) the applicants will continue to occupy the property at 211 Mendon Street;
- (4) upon sale of the property at 211 Mendon Street, the use of the accessory apartment shall terminate, and the apartment shall not be reoccupied unless a new special permit is obtained;
- (5) the design of the property shall be such that the appearance remains that of a single-family residence;
- (6) the accessory apartment shall have only one bedroom;
- (7) the accessory apartment shall not exceed 600 square feet and shall conform to the floor plan submitted by the applicants on September 15, 2021.

Continuation of Case 03-2021 7:33 PM

The applicants, Lifted Genetics, LLC and David Griffiths are requesting a special permit for new construction of a two-story industrial building for cultivation of marijuana at 6 Condon Way (lot 4).

Members that were present

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

Secretary and Alternate:

Mary Arcudi

Applicant and Representation:

David Griffiths, Mike Griffiths, Grant Pickering, James Valeriani, Brian Geaudreau

Audience Present Via Zoom:

Brian Keyes, Russ Tedford, Tim Watson, Glenda Hazard, Deb Hodgens, Police Chief Mark Giovanella

Chairman Chris Hodgens opened the continuation hearing by indicating that the ZBA has been reviewing the application process and came upon an issue at its last meeting. There is a bylaw in Hopedale that states the Planning Board is first in approving the site plan before coming to the ZBA for special permit relief. Mr. Hodgens read section 18.4 of the ZBA Bylaws that state, "In cases where a development requires site plan review by the Planning

Board and a special permit from the Board of Appeals, the applicant shall file site plan and special permit applications concurrently. The Planning board shall review and take action on the site plan and shall submit a report with recommendations to the ZBA within 45 days of the receipt of the applications. The ZBA shall incorporate the Planning Board's recommendations and conditions in its special permit decision, or shall state in the decision the reasons why such recommendations or conditions were not followed."

The Planning Board has the ability to hire engineers and experts to review the site plan along with other town boards before coming to the Zoning Board. With that being said, the Chairman agreed that Planning Board input should come first but was willing to allow the applicants to present at this meeting and respond to questions and concerns heard at the meeting on July 28, 2021.

Lifted Genetics Counsel, James Valeriani addressed the board that he was well aware of this bylaw but was directed by the Planning Board Chairman to seek approval from the ZBA first before the site plan review would move forward. In 2019, there was a site plan review for this lot and because it was approved, and the footprint has not changed, and based on the direction by the Planning Board Chairman, he hoped to get ZBA approval first. If any modifications to the site plan were made, they would return to the ZBA for additional consideration. The applicant expressed its desire to present and if the ZBA was satisfied and if a positive vote were to happen they would then move to the Planning Board. The Chairman's inclination was to listen but would not entertain a vote on this at this hearing without the benefit of a report from the Planning Board.

Mr. Valeriani detailed answers to the issues presented at the last meeting.

- The septic is a single septic system. It is an underground double walled tight tank.
- Parking does meet the site plan requirements. There will be 2 handicap spaces included in the 21 total spaces.
- There will be 18 employees on site at one time as the work schedule was refined.
- Security will be on the premises 24/7.
- Hayes Engineering completed a traffic study. The projected increase in peak hour traffic represents between 2.5 percent and 3 percent of the peak hour traffic if all vehicles leave in the same direction. The percentages decreases to between .6 and .8 percent per direction if traffic was split evenly. There is limited public access and traffic is attributed mainly to employees.
- Disposal Technology out of Sutton, MA will be contracted to handle waste disposal.
- Water usage totals approximately 2000 gallons a day and provided the board with an email from Tim Watson, Manager of the Water and Sewer Department stating that the usage is fine as it is just over 2 GPM throughout a 24 hour period. This is easier to handle than a high volume over a short period of time.

Chairman Chris Hodgins felt the impact would be a hardship to the water supply and for at least 20 years, Hopedale has had water restrictions. Mr. Hodgins read documents from the Water Department website indicating we are in the midst of water restrictions now: "Due to usage exceeding the departments pumping capability and our storage taken at critically low levels, we are forced to implement a stage 3 water restriction. No outside watering will be allowed between 9am and 5pm. During all other hours, outside watering will be allowed on an odd/even schedule by handheld device only. No sprinklers or automatic irrigation systems will be allowed and violations will be enforced with fines. Although groundwater levels are up from previous years, Hopedale like many other communities does not have the ability to pump the water quick enough to keep up with customer demand as well as maintain sufficient levels in our water storage for fire protection and system pressure." Mr. Hodgins

added that Hopedale has a limited supply of water from an aquifer and does not have a reservoir like Milford. The Department of Environmental Protection licenses Hopedale to pump around 400,000 gallons per day from that aquifer. Hopedale runs very close to that limit and has actually exceeded that limit in the past. Lifted Genetics proposes to use water that would be equivalent to about 10 residences. Water usage is a significant consideration for this project as well as others expected in the future.

Tim Watson commented that there is excessive usage from summer residents comparable to the usage Lifted Genetic would use daily. The problem is peak times in the summer. He restated that Lifted Genetics' water usage will not be adversely affecting the water pumping capacity, and they are working diligently to improve water issues.

Chris asked the applicants to consider a limit of usage and possibly bringing in their own water as well. The bylaw states the ZBA's mission is to consider the protection of water resources.

Resident Brian Keyes had a question for Water and Sewer Manager Tim Watson on whether Hopedale has any commercial water restrictions and Mr. Watson replied that he couldn't restrict water for commercial businesses. In addition, they do not have the capabilities to monitor water usage.

Resident Deb Hodgins applauded the board for caring about our water supply. Hopedale has a constant water ban. A school fundraising car wash could not go forward due to the water restrictions. There are also many potential developments coming forth, and these projects will require water.

Discussion continued on the proposed project.

- The structure will be a pre-fabricated building with an insulated wall and very tight securing a sufficient ventilation system. Each grow room is double insulated. All ventilation is self-cycling and the filtration system will be in place. Scott Savage also discussed that we can't guarantee 100 percent that any odor will be vented out of the building.
- The applicant reviewed the water discharge with the septic, the tight underground tank, which would be picked up from a vendor and the rain water/storm water which goes into the infiltration basin, which a majority of Condon Way uses.

Scott Savage asked about a snow removal location because the parking is somewhat tight. He asked for a designated paved area for snow removal. The applicant will consider removing the snow off site.

Chris Hodgins informed the applicant that Condon Way is a private way with no sidewalks. He reminded the applicant that there was a prior discussion about sharing parking. If this is so, there should be provisions made for workers to safely walk between parking lots without entering the roadway.

Mr. Hodgins agreed to speak with the chairman of the Planning Board to inform him of the situation concerning the by-law discussed above.

In order to keep the process moving without any needless delay, the ZBA agreed to continue this public hearing further and keep this matter on its agenda at future meetings (regular meeting on third Wednesday of each month). That way, the applicant will have an opportunity to be heard by the Planning Board and return to the ZBA with a status update or a request to proceed. The applicant agreed and thanked the ZBA for its consideration.

Lou Costanza moved to adjourn at 9:01 pm, seconded by Nick Alexander. All were in favor.

Respectfully submitted,

Mary Arcudi
ZBA Secretary