



# Hudson Planning Board

Town Hall

Hudson, Massachusetts 01749

## Minutes of Meeting – October 15, 2019

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The Hudson Planning Board met at the Town Hall, 78 Main Street, Hudson, Massachusetts. At 7:05 PM, Mr. D'Amelio called the meeting to order.

Present: Robert D'Amelio, Chairman; Rodney Frias; David Daigneault; Dirk Underwood; and Steve Goldberg

Staff: Jack Hunter, Director of Planning and Community Development

### **7 South St. Permit Extension request**

Mr. Randall from Randall Properties explained his delays in getting this project started and that his current permit is set to expire on October 19, 2019, therefore he would like an extension.

**Mr. Frias moved to extend the Site Plan Approval permit for 7 South Street to October 15, 2021, seconded by Mr. Goldberg 5-0-0 in favor**

### **Public Hearing - 11 Brent Drive– Site Plan Review**

Mr. D'Amelio asked the applicant to provide an update on where this proposal stands.

Mr. Peznola, Hancock Associates reviewed their responses to several abutters' letters, WMD's review and B and L Mechanicals email.

He discussed the proposed security system, the remedies regarding noise issues concerning the generator and chillers and their mitigation towards odor. They have revised plans to address the comments from WMD and believe they have addressed the three main issues of security, noise and odor. He noted that B and L Mechanical are in agreement with their odor mitigation and noise plans.

Mr. Peznola also described the operation of the tight tank and that it will need final approval from the Board of Health.

John Cass, B and L Mechanical stated they are in agreement with the applicant's odor mitigation; in fact it is state of the art. However, he recommends that an additional sound barrier be added between the chiller and generator and the abutting property line.

Byron Lamanokis, B and L Mechanical also recommend that an Operating and Maintenance Plan be submitted prior to occupancy of the plant.

A long discussion followed regarding noise reduction and L and M again recommended a sound barrier at the location of the chiller and generator.



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Mr. D'Amelio stated that we are here because it is a cannabis use, not any other reason and we want something that addresses the two main issues namely noise and odor is acceptable by legal standards, is reasonable and that is enforceable. He also noted that a Photometric Plan must be submitted to the Board.

Mr. D'Amelio asked if anyone wished to speak.

Ms. Ezzat, 35 Hummock Way, she believes this use is not compatible with an over 55 community and that the Board is not taking into consideration that an aging population abuts the property. She is concerned that there is no minimal distance. And that Town Meeting didn't require it. She then read a statement (not submitted) stating effects on odor and noise to elderly people.

Mr. D'Amelio explained the process at Town meeting.

Michael Byrne, 16 Hummock Way questioned the distance of the chiller to the property line and abutting house and that the Board and Town did not do their job in requiring it at Town Meeting.

Bill Cleary, 46 Hummock asked why a 300 foot buffer wasn't drafted into the language.

Mr. Byrne stated that the residents will be at all future meetings of all Boards and that they will be on record when this goes to court.

Mr. Frias went on record that he is against marijuana however; he was shocked about how many people want marijuana everywhere in Town.

Ryan Cohen, applicant thanked everyone for being involved with his project and he wanted the abutters to know that they will be good neighbors and he cares about their quality of life and will be here for the long run.

Mr. Bushy, 44 Hummock Way asked the applicant to move the project to another location.

Mr. Petrone 31 Sauta Farms described examples elsewhere that have been problems with odor and property values.

Mr. D'Amelio stated that the conditions they will place on this project are the most they can place on an applicant and the applicant has given no push back on these conditions therefore he is asking to close the hearing.

**Mr. D'Amelio moved to close the Public Hearing for Site Plan Review for 11 Brent Drive, seconded by Mr. Goldberg 5-0-0 in favor.**



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**Mr. Goldberg moved to approve Site Plan Approval for 11 Brent Drive Top Shelf Cannaseurs, seconded by Mr. D'Amelio with the following conditions 5-0-0 in favor:**

1. A list of 24-hour emergency contact information must be provided to the Director of Planning and Community Development and the DPW Director prior to the issuance of any work.
2. Hours of construction will be Monday through Friday 7:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to Noon. No work or operation of machinery may happen before 7:00 a.m., in accordance with the town's noise by-law or after 5:00 p.m. Per the Massachusetts General Laws, work on Sundays and holidays need to be permitted on a case by case basis by the Chief of Police.
3. Prior to the commencement of authorized site activity, the Planning and Community Development office shall be given 48 hours written notice. If the activity at the Project Site ceases for longer than 30 days, 48 hour written notice shall be given to the Planning and Community Development office prior to restarting work.
4. A copy of the conditions and all final approved Plans shall be kept at the Project Site.
5. Members or agents of the Planning Board shall have the right to enter the Project Site and to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Project Site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.
6. The approved erosion control plan, if applicable shall be adhered to and governed. All erosion control shall be in place and approved by the DPW before construction begins. Weekly erosion control reports shall be submitted to the DPW and the Planning Department no later than noontime on Fridays.
7. If, during construction, a discrepancy is found between the approved plans and the existing regulations, the DPW Director will make the final decision on how to proceed or if a decision is not able to be made, the matter will be referred to the Planning Board.



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8. Prior to the endorsement by the Planning Board Agent, a revised plan must be submitted showing a soundproof wall buffering the location of the Generator and Chillers and a vinyl fence along the entire boundary with Sauta Farms condominiums.
9. Prior to the issuance of a Building Permit, a Photometric Plan must be submitted and approved by the Director of Planning and Community Development.
10. Prior to the issuance of a Building Permit, an Operating and Maintenance plan for all mechanical devices shall be approved by B & L Mechanical Engineers.
11. Prior to the issuance of a Building Permit shop drawings for the generator, chiller and HVAC equipment shall be approved by B & L Mechanical Engineers.
12. Prior to the issuance of an Occupancy Permit the Police Chief shall approve the installation of the security system.
13. All regular exercise of the proposed generator must occur during regular business hours.
14. The Tight Tank design must be approved by the Board of Health.

### **Brigham Estates – Definitive Subdivision – Tri Party Agreement**

**Mr. D'Amelio moved to approve the Tri Party Agreement for Brigham Estates Phase II, conditioned on approval by Town Counsel seconded by Mr. Goldberg 4-0-1 (Frias abstained) in favor.**

### **Public Hearing - Countryside Estates – Site Plan Review**

Mr. D'Amelio reopened the Public Hearing and asked the applicant to update the Board on the proceedings.

At this time Mr. Underwood recused himself being an abutter to the project.



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Tom DiPersio, Engineer for the project went over his intention to revise plans pursuant to all the comments received from WMD, but he also wanted to hear from the Board before he made final changes. He provided more detail on the club house size, design and parking.

Mr. D'Amelio said he was not that concerned with parking at the clubhouse. He also asked about the landscaping specifically addressing the Conservation Agents concerns.

Mr. Ratner, Landscape Architect noted he had made all the changes as suggested.

Mr. D'Amelio asked if anyone from the public wished to speak.

Mr. Coumou 48 Hummock Way, How long will this project take to develop?

David Kelley answered up to four years.

Mr. D'Amelio asked whether there could be a variety of buildings.

David Kelley said they are comfortable with the proposal and feels it is marketable.

Mr. Daigneault asked what the sizes of the houses were.

Dave Kelley answered 1,600 sq. ft. to 2,000 sq. ft.

Mr. Filippi stated that he believes there should be a mix of building types and sizes. It would service the landscape, the lot and the neighborhood better.

Mr. Lake, 90 Hunter Ave. asked if by serving this development with water would it prohibit his property from eventually getting water.

Mr. Hunter said he would look into an answer from DPW.

Mr. D'Amelio asked that ITC take a look at the Chestnut/Murphy Road intersection.

He then went over the main WMD and Conservation comments.

**Mr. Frias moved to close the Public Hearing for Countryside Estates , seconded by Mr. Goldberg 3-0-2 (Underwood and Daigneault abstained) in favor.**

### **Shay Road – Approval Not Required**

Mr. D'Amelio explained the Form A to the Board where they are combining properties into the existing four lots.



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**Mr. Goldberg moved to endorse the Form A for Shay Road, seconded by Mr. D'Amelio 5-0-0 in favor.**

### **Indian Farm Estates – Definitive Subdivision**

Mr. D'Amelio reopened the hearing for Indian Farm Estates Subdivision and asked the applicant to update the Board on their progress.

Mr. DiPersio, Project Engineer reviewed the revised plans as it pertains to Mike Scotts review and departments comments. He updated the Board that he was able to move the retention pond out of the resource area and once he has completed his calculations he can provide them to WMD.

Mr. Jacob informed the Board that the Berlin Planning Board and Board of Selectman have voted to approve the Subdivision and to allow them to place the water line on their portion of River Road.

Having heard no other questions and having no one from the public in attendance, Mr. D'Amelio asked to close the hearing.

**Mr. Frias moved to close the hearing for Indian Farm Estes, seconded by Mr. Underwood 5-0-0 in favor**

**Mr. Goldberg moved to approve the Definitive Subdivision for Indian Farm Estates, seconded by Mr. Frias with the following conditions and waivers 5-0-0 in favor:**

#### **Waivers:**

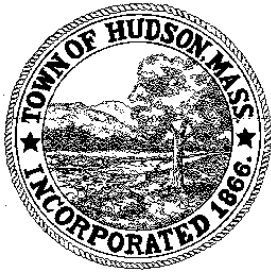
5.6 Curbs, Berms and Guard Rails - Vertical granite curbing will be installed at the roundings, basins, at the entrance of the subdivision and cape cod berm will be installed along the cul-de-sac.

5.4.2 Sidewalks - Sidewalks will be constructed only on one side of the new road as shown on Subdivision Plan.

4.1.5.1 Dead-end Streets - The length of the Street will be 1150 feet.

3.3.3.9 Environmental Impact Statement - waived

#### **Conditions:**



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1. A pre-construction conference will be held between the developer, the Director of Planning and Community Development, the DPW and other interested parties. If construction begins without this conference, construction will *cease immediately* until the conference is held and the appropriate people are in attendance.
2. A list of 24-hour emergency contact information must be provided to the Director of Planning and Community Development and the DPW at the pre-construction conference.
3. Hours of operation will be Monday through Saturday 7:00 a.m. to 5:00 p.m. No work or operation of machinery may happen before 7:00 a.m., in accordance with the town's noise by-law or after 5:00 p.m. Per the Massachusetts General Laws, work on Sundays and holidays need to be permitted on a case by case basis by the Chief of Police.
4. Prior to the commencement of authorized site activity, the Planning Board Office shall be given 48 hours written notice. If the activity at the Project Site ceases for longer than 30 days, 48 hour written notice shall be given to the Planning Board Office prior to restarting work.
5. A copy of this Decision and all final approved Plans shall be kept at the Project Site.
6. Members or agents of the Planning Board shall have the right to enter the Project Site and to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Project Site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.
7. The Planning Board's erosion control plan as attached shall be adhered to and govern. All erosion control shall be in place and approved by the Director of Planning and Community Development before construction begins. Weekly erosion control reports shall be submitted to the DPW and the Planning Department no later than noontime on Fridays.
8. If, during construction, a discrepancy is found between the approved plans and the existing regulations, the DPW and the Director of Planning and Community Development will be notified immediately. The DPW will make the final decision on how to proceed or if they are unable to make any decision, the matter will be referred back to the Planning Board for review.
9. Inspections shall be in accordance with the Town of Hudson Rules and Regulations, which allows the Planning Board to use a full time inspector to be paid by the developer. At this time the DPW will handle the inspections on their own schedule. The Board reserves the right to require full time inspections if, in the opinion of the Board they become necessary.



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10. Once the first house is occupied, the roadway will be swept every Friday afternoon until the road is accepted by Town Meeting, unless waived in writing by the DPW with a copy to the Planning Board.

11. The subdivision will be completed within two years of approval. Prior to expiration, the developer may ask for a one-year extension of time to complete the subdivision. If the Board determines that a one-year extension is warranted, it will also review the bond amount and adjust for inflation. Extension requests after expiration will not be looked upon favorably. If no extension is granted and the two years expires, then the subdivision will be in default and automatic rescission will occur.

12. Prior to the issuance of any building permit, the Developer will provide *evidence* to the Hudson Planning Board that the Town of Berlin Planning Board has issued Subdivision approval.

13. Prior to the issuance of the first occupancy permit, the Developer will construct a sidewalk easterly along River Road from the new roadway to Port Street in accordance with Town of Hudson standards.

14. Prior to the issuance of any occupancy permit, the Developer will install a landscape buffer, initially 5 feet in height and placed no more than 5 feet on center along the western property line behind lots 2-6, on the property now owned by Jenkins and Johnson.

15. Prior to the issuance of final occupancy, the Developer will convey Parcel A, as shown on the approved subdivision plans to the Town of Hudson for Open Space and passive recreation. The Developer will also provide a 15 foot wide fee owned strip between lots 9 & 10 for pedestrian access. Said strip will be cleared and clearly marked prior to the Town's acceptance.

16. During the marketing of the homes on Indian Farm Road, the Developer will disclose in all Purchase & Sale Agreements the location and operations of the Yankee Golden Retriever Rescue Facility and the Hudson Portuguese Club.

17. Prior to the issuance of an Occupancy Permit for the 15<sup>th</sup> house of the development, the water line extended onto Lot # 9 shall be installed and approved by Waterman Design and the DPW.

18. Prior to the acceptance of the Road, all easements shall be reviewed and approved by Town Counsel.

19. This approval is subject to receipt of proper and acceptable security for the installation of all municipal services which shall be completed in accordance with the applicable Rules and Regulations of the Hudson Planning Board and MGL c.41 s.81U.





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### **Minutes – October 1, 2019**

**Mr. Goldberg moved to approve the minutes of October 1, 2019, Seconded by Mr. D'Amelio 5-0-0. Unanimous**

### **Adjournment**

**Mr. D'Amelio moved, seconded by Mr. Daigneault to adjourn at 8:42 PM. Vote: 5-0-0. Unanimous**

CC: Town Clerk