



Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting—July 25, 2019

The Hudson Board of Appeals met in the Selectmen's Hearing Room, 2nd Floor, Town Hall, Hudson, Massachusetts. At 7:00 PM, Vice Chairman Pietrasiak called the meeting to order.

Members Present: Todd Pietrasiak, Chairman; Darja Nevits, Vice Chair; Dorothy Risser, Clerk; Jill Schafer, Member; Pamela Cooper, Associate Member.

Other Attendees: Kristina Johnson, AICP, Assistant Planning Director

Chairman Pietrasiak convened the meeting at 7:05 PM.

Petition #2019-37; 37 Coolidge Street (Continuance)

Present were: Ryan Noone, Native Sun (Petitioner)
Michael Drayer, Native Sun (Petitioner)
Tyler Murphy, Arc Design Group
Timothy Caraboolad, Arc Design Group
Ian Ruben, Civil Engineer
Phillip Silverman, Attorney for the Petitioner
Daniel Linskey, Kroll, Investigations, Security, Crisis Management

Chairman Pietrasiak turned over the floor to Attorney Phillip Silverman to provide updates to the Board and address the request for a variance. Chairman Pietrasiak read into the record the letter from the Police Chief.

Chairman Pietrasiak second by Dorothy Risser moved to enter deliberative session 5-0-0.

Chairman Pietrasiak seconded by Dorothy Risser, moved to grant the special permit under Section 5.12.1 through 5.12.10 of the Town of Hudson's Protective Zoning By-laws to allow Native Sun Wellness, LLC. to operate a retail marijuana establishment facility at 37 Coolidge Street. With the following conditions:

1. Any plans illustrating the layout of the facility with respect to safety and security measures shall be sequestered for the use of law enforcement officials only.
2. Per Section 5.12.5 Section 10, the hours of operation shall be not deviate from the 8:00 AM through 8:00 PM timeframe and there shall be no loitering on the premises.

3. The petitioner shall meet with the Chief of Police annual to review the security plans. Any substantial modification of the security plan shall require the approval of the Chief of Police.
4. Upon the sale, merger, acquisition of Native Sun Wellness. Inc, or any change of control, shall necessitate a review and approval of the security plan by the Chief of Police.
5. One month prior to the issuance of a Certificate of Occupancy, the applicant shall submit a traffic control plan (to be reviewed and approved by the Chief of Police) and attend a meeting of the Planning Board.
6. Per Section 5.12.6 Section 6, the petitioner shall provide the Special Permit Granting Authority—Police Department, and Hudson Board of Health the names, phone numbers, and e-mail addresses of all management staff and key holders to whom one can provide notice it there are operating issues associated with the establishment and they shall be immediately notified of any change in the above information.
7. Per Section 5.12.7, the Petitioner shall file an annual report and appear before the Special Permit Granting Authority and the Board of Health by no later than January 31st. As part of the annual report, the Petitioner shall include a copy of all current applicable State licenses for the Center, and demonstrate continued compliance with the conditions of this Special Permit.

5-0-0 Unanimous.

Chairman Pietrasiak seconded by Dorothy Risser, moved to grant the variance under Section 6.2.1.3 to allow for desired relief in the amount of five feet (5) one (1) inch in accordance with the following findings:

Variance Finding #1- Special Circumstance exist that affect the parcel of land related to the soil conditions, shape, and topography that do not affect other properties in the same zoning district .

That owing to unique circumstances relating to the soil, shape, and topography of the land or structures, specifically 1) the narrow shape of the parcel; 2) the steep grade from the rear to the front of the parcel, which requires a significant retaining wall to be in place; 3) the location of an abandoned railroad line in the rear of the parcel; and 4) the rocky soil conditions and the existence of wetlands on the western edge of the parcel.

Variance Finding #2- A literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise.

Special circumstances relating to the soil, shape, and topography of this parcel of land results in a financial hardship for the petitioner, or any future developers of the parcel has been demonstrated that a literal enforcement of the zoning by-laws would involve substantial development and financial hardship in that compliance with the 30-foot rear setback requirement pursuant to Section 6.2.1.3 would diminish the overall feasibility and effectiveness of the project, or any future project on the parcel.

Variance Finding #3 Desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of the by-laws.

Desired relief in the amount of Five (5) feet and one (1) inch from the requirements of Section 6.2.1.3 to construct the retail building may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the by-law, as the proposed use is a permitted use in the Limited Commercial Industrial Zoning District and the variance to the rear setback abutting abandoned railroad right-of-way.

5-0-0. Unanimous

Chairman Pietrasiak seconded by Dorothy Risser moved to come out of deliberative session. 5-0-0. Unanimous.

Candidate Interviews- Vacant Associate Member Position

Present were: Ronald Sorgman
Justin O'Neill

The Board conducted interviews with each of the candidates individually to gauge their qualifications to serve on the Board. Both candidates presented an overview of their professional experiences that they believed would be an asset to the Board, and underscored their enthusiasm for serving.

After the interviews and some discussion, the Board wanted to defer the decision for recommending any appointment until the issue with Christopher Tibbals had been resolved. The Board directed Kristina Johnson, Assistant Director to follow up with both candidates to thank for coming in for an interview, and to stay tuned for next steps.

Minutes

None.

Adjournment

Chairman Pietrasiak moved to adjourn the meeting at 8:20 PM. Seconded by Dorothy Risser. 5-0-0. Unanimous.