



Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting—April 16, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, the Hudson Board of Appeals conducted a meeting on April 16, 2020 via a remote participation platform. A video recording of this meeting is available on the Zoning Board of Appeals page of the Town of Hudson website at <https://www.townofhudson.org/zoning-board-appeals> or can be requested by calling the Department of Planning and Community Development at 978-562-2989.

Chairman Todd Pietrasiak called the meeting to order at 7:05PM. Chairman Pietrasiak noted that the Board is convening remotely under the authority of the Governor's Emergency Declaration relative to COVID-19. Before moving into the public hearings, Chairman Pietrasiak stated that the all votes will be taken a roll call voice votes and provided an overview of the flow of the meeting, and how/when members of the public can participate.

Chairman Pietrasiak then called the roll:

Members Present via Zoom Video: Todd Pietrasiak, Chairman, Darja Nevits, Vice Chair; Jason Mauro, Member; Member; Pamela Cooper, Associate Member; Associate Member, Justin O'Neil, Associate Member, Matt Russell, Associate Member.

Members Present Via Zoom Conference line: Ronald Sorgman, Associate Member (joined at 7:45 PM)

Other Attendees: John Parent, Hudson Board of Selectmen
Kristina Johnson, AICP, Assistant Planning Director

Minutes

Chairman Pietrasiak decided to take up the two set of Board meeting minutes before proceeding with the public hearings.

Vice Chairman Nevits moved to approve the February 13, 2020 minutes with the noted edits. Seconded by Jason Mauro. By voice roll call vote: Chairman Todd Pietrasiak: **yea**; Vice Chair Darja Nevits: **yea**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Justin O'Neil, Associate Member: **yea**; Matt Russell: **yea**. 7-0-0. Unanimous.

Pamela Cooper moved to approve the March 12, 2020 minutes with the noted edits. Seconded by Jason Mauro. By voice roll call vote: Chairman Todd Pietrasiak: **abstain**; Vice Chair Darja Nevits: **yea**; Jill Schafer, Clerk: **abstain**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Justin O'Neil, Associate Member: **yea**; Matt Russell: **yea**. 5-0-0. Unanimous.

Chairman Pietrasiak noted his recusal from Petition #2020-01 and turned over the meeting to Vice Chair Darja Nevits.

Petition #2020- 01 11 Brent Drive (with Vice Chair Nevits acting as Chair)

The petitioner, or a representative was not present.

Vice Chair Nevits acknowledged the petitioner's request to continue the public hearing and read the email to Kristina Johnson as stated below aloud into the record.

Good morning Kristina and Hudson ZBA,

I, Ryan Cohen am writing to officially request an extension for the special use permit till the May meeting. Unfortunately we did not make the cut for today's Cannabis Control Commission meeting for provisional licenses. Top Shelf Cannaseurs feels confident that we will in fact be on the May meeting agenda, and ultimately gain these provisional awards.

Thank you kindly for your continued patience regarding this important issue. We look forward to going through the process as soon as possible.

***Sincerely,
Ryan Cohen, Top Shelf Cannaseurs***

Vice Chair Darja Nevits requested if anyone on the Board would like to entertain the petitioner's request to continue the public hearing. Jason Mauro moved to continue the public hearing until Thursday, May 14, 2020. Seconded by Pamela Cooper.

Before voting, Jill Schafer inquired whether this petition has is up against the 65 days for opening the public hearing and would be at risk for a constructive approval. Ms. Johnson explained that at the meeting in March, Vice Chair Nevits opened the public hearing , read the public hearing notice, and Jason Mauro (acting as Clerk) read the right of appeal; therefore, with this procedural action, the Board was in the clear from any constructive approval

By voice roll call vote: Vice Chair Darja Nevits: **yea**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Justin O'Neil, Associate Member: **yea**; Matt Russell: **yea**. 6-0-0. Unanimous.

Todd Piestriak resumed chairing the meeting

Petition #2020- 03 9 Kane Industrial Drive

Present were: Brian Adams, President, CEO, Hudson Botanical Processing
Kathleen Adams, Trustee, Kane Industrial
Lucas Bean, Corporate Attorney for the Petitioner

Chairman Pietrasiak read verbatim the public hearing notice for the above-referenced petition which entails the request of Hudson Botanical Processing, requesting a special permit to operate a Marijuana Manufacturing facility within the Marijuana Industrial Overlay District pursuant to Section 5.13 and requesting a Special Permit pursuant to Section 3.3.10 (Watershed Protection District) of the Town of Hudson Protective Zoning By-Laws. The subject property is located at 9 Kane Industrial Drive, Assessors' Map 35, Lot 105 within the M-6 Manufacturing District. The Board may consider any other action deemed necessary relative to the subject petition.

Jill Schafer, Clerk read the right of appeal.

Brian Adams provided an overview of the petition via a powerpoint presentation "shared" virtually with all those in attendance on Zoom. Mr. Adams then proceeded to provide a brief overview of his company Hudson Botanical Processing, cannabis product manufacturing operation located within the existing Kane Industrial Park, noting that this operation will not engage in any retail sales and is strictly manufacturing. He then proceeded to describe the facility layout and the facility operations including the hours of operation, security systems, waste disposal (solid waste, hazardous waste, cannabis waste, and human waste), and its employee policies and protocols.

Mr. Adams concluded his presentation by highlighting the petition's compliance with both the Marijuana Industrial Overlay District use regulations, and the requirement of the Watershed Protection District.

Chairman Pietrasiak expressed his belief that the petitioner seem to have addressed the criteria in the Marijuana Industrial Overlay District and Watershed Protection District; however, he noted that the Board will need to make specific findings relative to both sets of regulations. He then requested that the petition describe the manufacturing process in more detail and specifically identify the types and quantities of the hazardous materials and how they are stored and disposed.

Brian Adams stated that the term hazardous material that he used in his presentation was not the correct terminology. Mr. Adams noted that flammable liquid (ethanol) will be used during the extraction process and will be continuously re-purposed until the

remnants become waste, which is when the ratio of ethanol to water is 80/20. He then noted that the disposal of the extraction waste will be conducted in accordance with the requirements of the Cannabis Control Commission (CCC) Regulations, and that only 55 gallons of the ethanol will be stored on site at one time. Chairman Pietrasiak then inquired about the storage of the ethanol on site, to which Mr. Adams responded that the material is stored within the extraction booth (which is part of the closed loop mechanical system) and is removed from the large storage containers to smaller containers via a small hand-crank gas pump.

Chairman Pietrasiak noted that the Police Chief has signed off on the Security Plan, but asked the petitioner to provide some details on how much product is stored on site, how its picked up, and how its delivered. Mr. Adams stated that the product will either be delivered by Hudson Botanicals or by a partner cultivator (to be determined) with regular GPS tracking and correspondence with the manufacturing headquarters, and per CCC regulations will be contained in a lock box. He then provided an overview of the shipping/receiving operations and how the product moves from the delivery vehicle into the manufacturing facility and vice versa.

Jill Schafer inquired about the host community agreement executed between Hudson Botanicals and the Town Administrator. She noted that one of the original business partners stated in the agreement has since resigned, and that it would be a good idea to follow up with the Town Administrator and Town Counsel with this change in management for their tracking purposes. Ms. Schafer then requested that the petitioner describe any potential odors that could emanate from the facility. Mr. Adams noted that odor mitigation plan is essentially the closed loop containment system described earlier in the presentation, and he further underscored that all product is delivered in closed containers and are only exposed very briefly inside the facility before being transferred into storage cages. Ms. Schafer concluded by asking the petitioner about the 24/7 hours of operation, to which Mr. Adams responded that there are no abutters nearby or retail sales on the premise, and the demand for product requires a significant operations. He did note, however, that Hudson Botanicals may not need to operate 24/7 as they are not a large-scale manufacturing operation.

Chairman Pietrasiak suggested to the petitioner that it would helpful if the Board could see a mechanical diagram of the closed loop system for this facility or another similar facility.

Pamela Cooper asked the petitioner about the locked waste container with the used material and whether there is any lingering odor after the container is emptied and washed. Mr. Adams stated that there would not be any lingering odor because the remaining material after the extraction process is just ethanol in a separate container.

Jason Mauro requested that the petitioner describe the mixing process and where it will take place in the facility. Mr. Adams explained that the mixing will take place within the storage cage inside the facility, and per CCC regulations must be completed by two people are recorded in the facility logbook.

Vice Chair Nevits inquired about whether the petitioner had submitted a copy of lease, as she and Ms. Johnson noted that what was provided was an attestation of a lease agreement. To complete the administrative record, Ms. Nevits asked to have a copy of the lease furnished with all of the financial information redacted. Vice Chair Nevits asked the petitioner to note the existence of any noise that may emanate from the manufacturing facility. Mr. Adams noted that there is an existing HVAC system installed on the rooftop, similar to all of the other industrial buildings within the vicinity and that only one fan will be added to facility which would not generate additional noise.

Kristina Johnson provided an overview of the review process for this petition, and noted that the Planning Board waived site plan review as the proposed use, as this use is just repurposing an existing industrial building within a well-established industrial park. She noted, however, that the Watershed Protection District by-laws require the petition to be forwarded to the Public Works Director, Conservation Commission/Agent, and the Public Health Director for review and any comments. Ms. Johnson indicated that she did forward the petition to these Departments for review and comment and has only heard back from the Conservation Agent, which does not trigger review under the Wetlands Protection Act. Ms. Johnson further stated that she will work with the petitioner to help facilitate any additional review with the DPW and the Department of Public Health,

Chairman Pietrasiak asked if there were any members of the public on video or via telephone who wished to speak. There were none.

Chairman Pietrasiak requested a motion to continue the public hearing.

Jason Mauro moved to continue the public hearing for petition 2020-03 to May 14, 2020 at 7:00 PM. Seconded by Pamela Cooper. By voice roll call vote: Chairman Todd Pietrasiak: **yea**; Vice Chair Darja Nevits: **yea**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Justin O'Neil, Associate Member: **yea**; Matt Russell: **yea**. 7-0-0. Unanimous.

Other Business

Kristina Johnson provided the Board a summary on the provisions of the Municipal Relief Act (Chapter 53) relative to the tolling of constructive approvals, and the Supreme Judicial Court Order relative to the tolling of appeal periods.

Adjournment

Chairman Pietrasiak requested a motion to adjourn. Vice Chair Nevits seconded by Jason Mauro by moved to adjourn the meeting at 8:45PM PM. 6-0-0. By voice roll call vote: Chairman Todd Pietrasiak: **yea**; Vice Chair Darja Nevits: **yea**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Justin O'Neil, Associate Member: **yea**; Matt Russell: **yea**. 7-0-0. Unanimous.