



Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting—July 9, 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 June 11, 2020 via a remote participation platform.

Chairman Todd Pietrasiak called the meeting to order at 7:05PM. Chairman Pietraisak 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 all votes will be taken as 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; Jill Schafer, Clerk; Jason Mauro, Member; Pamela Cooper, Member; Ronald Sorgman, Associate Member, Justin O'Neil, Associate Member; Matt Russell, Associate Member.

Other Attendees: Kristina Johnson, AICP, Assistant Planning Director

Minutes

There were no minutes ready for approval.

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

Present were: Ryan Cohen, Petitioner
Scott Buckeley, Petitioner
Blake Mensing, Mensing Group, LLC, Attorney for the petitioner
Joseph Peznola, P.E., Hancock Associates

Vice Chair Nevits noted that the public hearing for this petition was closed at the June 11, 2020 meeting and that the Board is now in deliberative session. During deliberative session, Vice Chair Nevits outlined the petitioner's compliance with the following procedural Requirements pursuant to Section 5.13.4:

- 1) The application for Special Permit was properly filed with the Special Permit Granting Authority with the provisions of this by-law, Section 8.2 of the Hudson Zoning By-laws, and the provisions of MGL Chapter 40 A Section 9.
- 2) Prior to filing the application for Special Permit, the petitioner received Site Plan Review approval from the Hudson Planning Board on October 19, 2019
- 3) The petitioner must be permitted by the Town of Hudson Board of Health prior to the issuance of an occupancy permit.

And Vice Chair Nevits outlined the Petitioner's compliance with the use requirements pursuant to Section 5.13.5

1. ***Allowed Marijuana Establishment uses within the MIOD shall be the following as defined in M.G.L. Chapter 94G: Independent Testing Laboratory, Marijuana Cultivator, and Marijuana Product Manufacturer.*** The Board discussed and agreed that the petitioner is seeking a special permit for a marijuana use allowed under this by-law.
2. ***All Marijuana Retail and adult uses as defined in M.G.L. Chapter 94G shall be prohibited within the MIOD.*** The Board discussed and agreed that the petitioner is seeking a special permit to operate a marijuana cultivation facility pursuant to the Provisional License issued by the Cannabis Control Commission (CCC).
3. ***All Marijuana Establishments within the MIOD shall be in a fixed location and not within a mobile facility.*** The Board discussed and agreed that the petitioner will be operating the cultivation facility within a fixed building at 11 Brent Drive.
4. ***No outside storage is permitted*** The Board discussed and agreed that the petitioner satisfactorily demonstrated that there would be no outside storage, and that the petitioner is required to follow all of the environmental and waste management regulation of the Cannabis Control Commission.
5. ***All Marijuana Establishments within the MIOD shall be located at least 500 feet from the property line of any school, daycare center, or library.*** The Board discussed, verified, and agreed that the proposed cultivation facility is located at least 500 feet from a school, daycare center, or library.
6. ***All Marijuana Establishments within in the MIOD shall not be located inside a building containing residential units including transient housing such as motels and dormitories*** The Board discussed and agreed that the petitioner has demonstrated that the proposed cultivation facility is located within an existing industrial building and that no residential units, including transient housing will be located with the existing building.
7. ***Applicants shall provide the Special Permit Granting Authority with proposed security measures for the Marijuana Establishment within the MIOD, including lighting, fencing, gates, and alarms, to ensure the safety of persons and to protect the premises from theft*** The Board reviewed and discussed the security systems and agreed that the petitioner has demonstrated that the appropriate security measures have been installed. Furthermore, the Board noted for the record that the Police Chief Michael Burks approved the security plans on September 20, 2019.
8. ***No smoking, burning, consumption or ingestion of any product containing marijuana or marijuana related products shall be permitted on the premises of the Marijuana Establishment within the MIOD.*** The Board discussed and agreed that the

petitioner has demonstrated that they will comply with this provision, and noted that the petitioner submitted an operations plan to that effect.

9. **All business signage shall be subject to the requirements as promulgated by the Cannabis Control Commission (935.CMR 500) and the requirements of the Hudson Protective Zoning By Law.** The Board reviewed and discussed and agreed that the proposed signage meet the requirements of both the CCC and the Town of Hudson Zoning By-laws.
10. **The hours of operation of the Marijuana Establishments within the MIOD shall be reviewed and approved by the Special Permit Granting Authority.** The Board discussed the hours of operation for the cultivation facility and set the Allowable hours of operation as 24 hours seven (7) days per week with deliveries allowed between the hours of 7:00 AM and 6:00 PM. The regular exercise of the proposed generator shall occur during the hours of 7:00 AM and 6:00 PM Monday through Friday.
11. **The applicant shall provide express written authorization from the property owner of the proposed site.** The Board reviewed and agreed that the petitioner furnished express written authorization from the property owner, and noted that the petitioner furnished a redacted lease relative thereto.
12. **No activities occurring on the premises of a marijuana establishment within the MIOD shall be displayed in the windows or on the building thereof, or be visible to the public from the pedestrian sidewalks or walkways or from other areas, public or semi-public, outside such facility or premises.** The Board reviewed and discussed, and agreed that the petitioner demonstrated that no activities occurring in the cultivation facility would be visible to the public and/or adjacent pedestrian sidewalks or walkways.
13. **Marijuana establishments shall incorporate odor control** Board members engaged in a lengthy discussion about whether the petitioner has addressed the concerns raised by abutters relative to odor and to noise. Members discussed in detail the revised site plan with the relocated generator to the front of the building, the comprehensive acoustical analysis showing the operation of the generator and the chiller. The petitioner shall comply with MassDEP CMR 310 7.00 in that any noise associated with the chiller and the generator shall not exceed ambient background by more than 10 db (A). Members agreed that the petitioner has addressed concerns regarding noise and odor, and that there are safeguards in place to ensure noise and odor control: the CCC regulations, the enforcement of Special Permit via the Zoning Enforcement Officer (Building Commission), and conditions contained in the Planning Board site plan review decision requiring an independent peer review of all noise attenuation measure and odor control systems by an independent third party mechanical engineer prior to the issuance of an occupancy permit. Notwithstanding, the Board agreed that the petitioner should be subject, after one year of operations, to a review by the Zoning Board of Appeals to ensure compliance with the use regulations pursuant to Section 5.13 and conditions set in any permit (s) granted the Board,

Vice Chair Darja Nevits seconded by Jill Schafer moved to grant a special permit under Section 5.13 of the Hudson Zoning By-Laws to allow Top Shelf Cannaseurs to operate a marijuana cultivation facility at 11 Brent Drive subject to a review by the Board Appeals after one year of operations to ensure petitioner's satisfactory compliance with the

conditions set herein, in accordance with Section 5.13 annual reporting requirement finding that :

- 1) The petition is not contrary to the best interests of the inhabitants of the Town of Hudson;
- 2) The petition complies with the procedural requirements outline in Section 8.2 of the Protective Zoning by-laws of Hudson;
- 3) The petitioner is in harmony with the general purpose and intent of the protective zoning bylaw;
- 4) The petition does not constitute a substantial detriment to the public good and the is designed to minimize any adverse visual or public safety impacts on abutters and other parties of interest, as the petition has demonstrated that impacts related to noise and odor will be satisfactorily mitigated.
- 5) The petition will be subject to a review after one year of operations to ensure petitioner's satisfactory compliance with the conditions set herein and with the conditions set forth in the Planning Board Site Plan Review Decision, and to review the effectiveness of the mitigation measures relative to noise and odor. s.

With the following conditions:

1. The petitioner is permitted by the Town of Hudson Board of Health prior to issuance of any Occupancy Permit in accordance with 5.13.4 (3).
2. Allowable hours of operation will be 24 hours seven (7) days per week with deliveries allowed between the hours of 7:00 AM 7 and 6:00 PM. The regular exercise of the proposed generator shall occur during the hours of 7:00 AM and 6:00 PM Monday through Friday.
3. Prior to the issuance of an Occupancy Permit, the petitioner shall furnish a copy of the Final License issued by the Cannabis Control Commission to the Building Commissioner, the Board of Health, the Chief of Police, the Fire Chief, and the Board of Appeals.
4. Prior to the issuance of the Occupancy Permit, the petitioner shall receive approval from the Chief Police for the installation of the security system.
5. The petitioner shall meet with the Chief of Police annually to review the security plans. Any substantial modification of the security plan shall require the approval of the Chief of Police.
6. The sale, merger, acquisition of Top Shelf Cannaseurs, or any change of control, shall necessitate a review and approval of the security plan by the Chief of Police.
7. Per Section 5.13.7, 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 facility, and demonstrate continued compliance with the conditions of this Special Permit.

8. The petitioner shall obtain a minor modification site plan approval from the Planning Board for the revised plans dated June 3, 2020, or take any action relative thereto.
9. Prior to the issuance of a building permit, the Operating and Maintenance plan for all mechanical devices shall be approved by B &L Mechanical Engineers (3rd party consultant representing the Town).
10. Prior to the issuance of an Occupancy Permit, all shop drawings for the chiller, generator, HVAC equipment, and all associated odor abatement equipment shall be approved by B &L Mechanical Engineers.
11. The petitioner shall comply with MassDEP CMR 310 7.00 in that any noise associated with the chiller and the generator shall not exceed ambient background by more than 10 db (A).

By voice roll call vote: Vice Chair Darja Nevits: **yea**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman: **not voting**; Justin O'Neil, Associate Member: **yea** Matt Russell, Associate Member: **not voting** 5-0-0. Unanimous.

Vice Chair Darja Nevits seconded by Pamela Cooper moved to grant the special permit under Section 3.3.10 of the Town of Hudson's Protective Zoning By-laws to allow Top Shelf Cannaseurs, LLC to operate a marijuana cultivation facility within the Watershed Protection District at 11 Brent Drive. Finding the following pursuant to Section 3.3.10:

- 1) The petition has been reviewed by the Board of Health, Conservation Commission, and the Department of Public. It was noted by all three Departments through email correspondence to the Board of Appeals that the petition satisfactorily complied with the provisions of the Watershed Protection District.
- 2) The petition is in harmony with the intent and the purpose of this by-law, and will promote the purpose of the Watershed Protection District, as the petitioner has demonstrated that there are safeguards in place to ensure odor control and proper waste management of the cannabis plant materials.
- 3) The petition is appropriate to the natural topography, soils, and other characteristics of the site to be developed, as the petition to operate the proposed marijuana cultivation facility is located within a well-established industrial park.
- 4) The petition will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district, as the proposed use of the existing building for a marijuana facility will not involve any construction.
- 5) The petition will not adversely affect an existing or potential water supply, as the petitioner has demonstrated that there will be proposed safeguards in place to ensure proper disposal of cannabis waste and that the proposed irrigation

system will not present any impacts to the existing water supply within the industrial park.

With the following conditions:

1. Any hazardous, petroleum, or potential contaminants shall be stored in a dual containment system, in accordance with Section 3.3.10 Section V, Item 5 of the Hudson Zoning Bylaws.
2. That all waste materials will be contained and secured until properly disposed in accordance with the Cannabis Control Commission regulations.
3. That the relevant Town departments shall be allowed reasonable access to confirm the proper handling, storage, and disposal of potential contaminants.
4. No chemical de-icers or fertilizers will be utilized.

By voice roll call vote: Vice Chair Darja Nevits: **yea**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman: **not voting**; Justin O'Neil, Associate Member: **yea** Matt Russell, Associate Member: **not voting** 5-0-0. Unanimous.

Vice Chair Nevits seconded by Jason Mauro moved to come out of deliberative session. By voice roll call vote: Vice Chair Darja Nevits: **yea**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman: **yea**; Justin O'Neil, Associate Member: **yea** Matt Russell, Associate Member: **not voting** 7-0-0. Unanimous.

Todd Pietrasiak resumed chairing the meeting.

Petition #2020- 004 11 9 Kane Industrial Drive

Present were: Kathleen Adams, Hudson Growers Alliance
Aslan Zadeh, Hudson Growers Alliance

Chairman Pietrasiak read aloud the public hearing notice for the above-referenced petition which entails a request for a special permit to operate a marijuana cultivation facility. He noted that the previous legal advertisement submitted and read at the last meeting incorrectly stated the proposed use as marijuana manufacturing rather than a marijuana cultivation facility has been since corrected.

Kathleen Adams introduced herself and the members of the team, and provided an overview of the company. She also described the location of the building where the facility will be located, which also is the location of the recently-approved Hudson Botanicals' manufacturing facility. Ms. Adams showed the site plan of the proposed facility and noted that the site plan review process was waived by the Planning Board. She concluded her presentation by emphasizing the economic opportunities the company will provide the Town, and that operation will have no increase in traffic, not

be located in close proximity to schools, will have a closed filtration system for odor control, and will not cause any increases in noise.

Aslan Zadeh provided a more in-depth overview of the cultivation operations including the security systems, waste disposal process, and the strict employee policies and protocol. Mr. Zadeh also discussed the systems in place to mitigate odor which include: carbon filters in each flowering room; iodine-base mist machines attached to the exhaust fans that will oxidize organic odor molecules; LED lights that do not agitate the odor molecules of the plants; and the installation of a split HVAC system.

Ms. Adams concluded the presentation by stating that the petition complies with all of use regulations for both the Marijuana Industrial Overlay District and the Watershed Protection District.

Chairman Pietrasiak inquired about the internal circulation between the manufacturing facility and the cultivation facilities, the respective waste control and the security systems. Ms. Adams noted that both facilities will be completely separate, and will have their own independent, separate security and waste control systems. Chairman Pietrasiak noted that the noise and odor mitigation will still be concerns of the Board even with the facility being located away from residential neighborhood. Mr. Zadeh provided an in-depth overview of the air circulation process throughout the facility, including the flowering rooms. Chairman Pietrasiak also inquired if the generators and the HVAC equipment would create additional noise levels. Mr. Zadeh responded that the new equipment will far quieter than what was previously in operation behind the building.

Jason Mauro inquired where the generator would be placed relative to the building, to which Ms. Adams responded that the generator would be installed to the left of the rear of the building where the power services the building. Jason Mauro emphasized that odor mitigation is extremely important as the Board reviews and considers the petition.

Chairman Pietrasiak inquired about the how the watering system will operate, in terms of how much water will be used and discharged. He noted the a condition from the Director of Pubic Works regarding the irrigation system. Mr. Zadeh described the drip-feed irrigation system, which he believes will be the most water conversation friendly and the least labor intensive. He described how the plants will be watered by droplets of water, just enough to keep the soils moist.

Kristina Johnson screened shared detailed specifications for carbon filtration system, and Mr. Zadeh described its operation relative to odor mitigation.

Chairman Pietrasiak acknowledged the receipt of emails from Public Works, Conservation Commission, and the Director of Public Health pursuant to the Watershed Protection District regulations, and emphasized the requested the condition from the Director of Public Works. He asked the petitioner if she were in agreement with the condition relative to the irrigation system, to which she said yes.

Chairman Pietrasiak seconded by Jason Mauro moved to enter deliberative session. By voice roll call vote: Chairman Pietrasiak: **yea**; Vice Chair Darja Nevits: **Not Voting**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman: **yea**; Justin O'Neil, Associate Member: **not voting**; Matt Russell, Associate Member: **yea**. 6-0-0. Unanimous.

And Chairman Pietrasiak outlined the Petitioner's compliance with the use requirements pursuant to Section 5.13.5

1. ***Allowed Marijuana Establishment uses within the MIOD shall be the following as defined in M.G.L. Chapter 94G: Independent Testing Laboratory, Marijuana Cultivator, and Marijuana Product Manufacturer.*** The Board discussed and agreed that the petitioner is seeking a special permit for a marijuana use allowed under this by-law.
2. ***All Marijuana Retail and adult uses as defined in M.G.L. Chapter 94G shall be prohibited within the MIOD.*** The Board discussed and agreed that the petitioner is seeking a special permit to operate a marijuana cultivation facility pursuant to the Provisional License issued by the Cannabis Control Commission (CCC).
3. ***All Marijuana Establishments within the MIOD shall be in a fixed location and not within a mobile facility.*** The Board discussed and agreed that the petitioner will be operating the cultivation facility within a fixed building at 9 Kane Industrial Drive.
4. ***No outside storage is permitted*** The Board discussed and agreed that the petitioner satisfactorily demonstrated that there would be no outside storage, and that the petitioner is required to follow all of the environmental and waste management regulation of the Cannabis Control Commission.
5. ***All Marijuana Establishments within the MIOD shall be located at least 500 feet from the property line of any school, daycare center, or library.*** The Board discussed, verified, and agreed that the proposed cultivation facility is located at least 500 feet from a school, daycare center, or library.
6. ***All Marijuana Establishments within in the MIOD shall not be located inside a building containing residential units including transient housing such as motels and dormitories*** The Board discussed and agreed that the petitioner has demonstrated that the proposed cultivation facility is located within an existing industrial building and that no residential units, including transient housing will be located with the existing building.
7. ***Applicants shall provide the Special Permit Granting Authority with proposed security measures for the Marijuana Establishment within the MIOD, including lighting, fencing, gates, and alarms, to ensure the safety of persons and to protect the premises from theft*** The Board reviewed and discussed the security systems and agreed that the petitioner has demonstrated that the appropriate security measures have been installed. Furthermore, the Board noted for the record that the Police Chief Richard DiPersio approved the security plans on June 23, 2020.
8. ***No smoking, burning, consumption or ingestion of any product containing marijuana or marijuana related products shall be permitted on the premises of the Marijuana Establishment within the MIOD.*** The Board discussed and agreed that the

petitioner has demonstrated that they will comply with this provision, and noted that the petitioner submitted an operations plan to that effect.

9. **All business signage shall be subject to the requirements as promulgated by the Cannabis Control Commission (935.CMR 500) and the requirements of the Hudson Protective Zoning By Law.** The Board reviewed and discussed and agreed that the propose signage meet the requirements of both the CCC and the Town of Hudson Zoning By-laws.
10. **The hours of operation of the Marijuana Establishments within the MIOD shall be reviewed and approved by the Special Permit Granting Authority.** The Board discussed the hours of operation for the cultivation facility and set the allowable hours of operation will be 24 hours seven (7) days per week with deliveries allowed between the hours of 6:00 AM and 6:00 PM and generator maintenance and testing allowed between the hours of 6:00 AM and 6:00 PM
11. **The applicant shall provide express written authorization from the property owner of the proposed site.** The Board reviewed and agreed that the petitioner furnished express written authorization from the property owner, and noted that the petitioner furnished a redacted lease relative thereto.
12. **No activities occurring on the premises of a marijuana establishment within the MIOD shall be displayed in the windows or on the building thereof, or be visible to the public from the pedestrian sidewalks or walkways or from other areas, public or semi-public, outside such facility or premises.** The Board reviewed and discussed, and agreed that the petitioner demonstrated that no activities occurring in the cultivation facility would be visible to the public and/or adjacent pedestrian sidewalks or walkways.
13. **Marijuana establishments shall incorporate odor control** Board members engaged in a lengthy discussion about whether the petitioner has satisfactorily addressed odor control and noise control, and has implemented the appropriate mitigation measures. Members agreed that use is being located within a well-established industrial park away from residential uses, and that the petitioner has addressed concerns regarding noise and odor, and that they have implemented safeguards to ensure noise and odor control: the CCC regulations, the enforcement of Special Permit via the Zoning Enforcement Officer (Building Commission),

Jason Mauro seconded by Jill Schafer moved to grant the special permit under Section 5.13 of the Town of Hudson's Protective Zoning By-laws to allow Hudson Growers Alliance to operate a marijuana cultivation facility at 9 Kane Industrial Drive. By voice roll call vote: Chairman Pietrasiak: **yea**; Vice Chair Darja Nevits: **Not Voting**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman: **not voting**; Justin O'Neil, Associate Member: **not voting**; Matt Russell, Associate Member: **yea**. 5-0-0. Unanimous.

And Chairman Pietrasiak outlined the Petitioner's compliance with the use requirements pursuant to Section 3.10 of the Watershed Protection District regulations.

- 1) The petition has been reviewed by the Board of Health, Conservation Commission, and the Department of Public. It was noted by all three Departments through email

correspondence to the Board of Appeals that the petition satisfactorily complied with the provisions of the Watershed Protection District.

- 2) The petition is in harmony with the intent and the purpose of this by-law, and will promote the purpose of the Watershed Protection District, as the petitioner has demonstrated that there are safeguards in place to ensure odor control and proper waste management of the cannabis plant materials.
- 3) The petition is appropriate to the natural topography, soils, and other characteristics of the site to be developed, as the petition to operate the proposed marijuana cultivation facility is located within a well-established industrial park.
- 4) The petition will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district, as the proposed use of the existing building for a marijuana facility will not involve any construction.
- 5) The petition will not adversely affect an existing or potential water supply, as the petitioner has demonstrated that there will be proposed safeguards in place to ensure proper disposal of cannabis waste and that the proposed irrigation system will not present any impacts to the existing water supply within the industrial park

Jason Mauro seconded by Jill Schafer moved to grant the special permit under Section 3.3.10 of the Town of Hudson's Protective Zoning By-laws to allow Hudson Botanical Processing to operate a marijuana cultivation facility within the Watershed Protection District at 9 Kane Industrial Drive. By voice roll call vote: Chairman Pietrasiak: **yea**; Vice Chair Darja Nevits: **Not Voting**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman: **not voting**; Justin O'Neil, Associate Member: **not voting**; Matt Russell: **yea**. 5-0-0. Unanimous.

Chairman Pietrasiak seconded by Jason Mauro moved to come out of deliberative session. By voice roll call vote: Chairman Pietrasiak: **yea**; Vice Chair Darja Nevits: **Not Voting**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman: **yea**; Justin O'Neil, Associate Member: **not voting**; Matt Russell, Associate Member: **yea**. 6-0-0. Unanimous.

The Board recessed for five minutes before hearing the next petition.

Petition #2020- 005 11 First Street

Present were: Christopher Monsini

Chairman Pietrasiak provided an overview of the remaining component of the petition, which entails a request for a variance to construct a front porch within the front yard setback. He reminded the petitioner that at the last meeting the Board was not convinced of the existence of the hardship to grant the variance for the construction of the front porch, and inquired if the petitioner had additional information to present to the Board.

Christopher Monsini reiterated that his lot is significant smaller than other lots in his neighborhood and throughout the SA-8 Zoning District. Mr. Monsini inquired if Section 5.1.6.3 of the Zoning By-Laws could be applied to this case, as this section deals with

pre-existing non-conforming structures. Mr. Monsinmi argued that the "non-conforming" rear deck structure is attached to the dwelling and the porch would be an alteration to the non-conforming structure.

Members maintained their agreement that there was no hardship to justify the issuance of a variance. Board Members generally agreed that a Special Permit under Section 5.1.6.3 of the Zoning By-Laws would be the appropriate regulatory vehicle to allow for the construction of the front porch, which entails the enlargement of a non-conforming structure.

Chairman Pietrasiak seconded by Jason Mauro moved to enter deliberative session. By voice roll call vote: Chairman Pietrasiak: **yea**; Vice Chair Darja Nevits: **Not Voting**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman: **yea**; Justin O'Neil, Associate Member: **not voting**; Matt Russell, Associate Member: **yea**. 6-0-0. Unanimous.

Chairman Pietrasiak, seconded by Jason Mauro moved to approve Petition #2020-05 and grant a special permit pursuant to Section 5.1.6.3 of the Town of Hudson Zoning By-laws for the alteration and expansion of the nonconforming structure to allow for the construction of a front porch in accordance with the certified plot plan dated May 20, 2020.

Chairman Pietrasiak seconded by Jason Mauro moved to come out of deliberative session. By voice roll call vote: Chairman Pietrasiak: **yea**; Vice Chair Darja Nevits: **Not Voting**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman: **yea**; Justin O'Neil, Associate Member: **not voting**; Matt Russell, Associate Member: **yea**. 6-0-0. Unanimous.

Petition #2020- 06 Chestnut Street (Countryside Estates)

Present were: Thomas DiPersio, Engineer for the Petitioner
Attorney Paul Giannetti

Chairman Pietrasiak provided a brief overview of the petition that was continued from the last month and noted that Attorney Giannetti had some technical difficulties and was unable to speak at last month's meeting. Furthermore, Chairman Pietrasiak noted that Tom DiPersio presented an overview of the site plan and all of the technical components relative to the project. Chairman Pietrasiak requested that Attorney Giannetti discuss the proposed reduction in the required roadway width of 30 feet to 22 feet.

Attorney Giannetti stated that when the project was being reviewed by the Planning board there was a desire to reduce the amount of impervious surfaces since its located within the Watershed Protection District. Attorney Giannetti further stated that the Police Chief was fine with the reduced roadway width, as there will be the installation of Cape

Cod Berm on either side of the roadway for safety purposes and to facilitate emergency vehicle access. Attorney Giannetti underscored that the internal roadways and sidewalks would be owned by a future condominium association who would be responsible for any damage caused by emergency vehicles or other vehicles. He described the number of parking spaces provided for each unit and additional spaces at other locations throughout the proposed development, which he noted are above and beyond what is required by the Retirement Overlay District. Finally, Attorney Giannetti stated that the condominium documents have not been drafted, but will be subsequent to this meeting.

Chairman Pietrasiak began to review the use regulations for the Retirement Overlay District and the Watershed Protection District, noting that they would not get through all of this at tonight's meeting. He proceeded to open the virtual floor for public comment on the petition.

Donna Blunt – 44 Brook Street

Ms. Blunt asked the following questions: 1) the location of the snow storage; 2) what type of fill is being used; and 3) how many backup generators will be installed in case of a septic system failure. Tom DiPersio discussed the location of the snow storage areas as shown on the approved site plan, noted that no additional fill will be brought in to the site, and that the back up generator will be installed pursuant to the permit issued by the Board of Health.

Chairman Pietrasiak asked the Mr. DiPersio if the petitioner would agree to specifying the days of the week and the hours the generators can be tested, to which Mr. DiPersio said yes.

Darryl Filipi – 300 Chestnut Street

Mr. Filipi expressed serious concerns about the design and the layout of the proposed retirement community and that it does not match the look and feel of the existing neighborhood character. Mr. Fillipi expressed his belief that there was little attention paid to the context sensitivity of the proposed design, and requested that the project be sent back to the Planning Board for a new site plan review process.

Robert D'Amelio, Planning Board Chair provided a comprehensive overview of the Planning Board's review and approval of the site plan for the proposed retirement community. He also explained in detail the Planning Board's rationale for approving the project with a 22-foot wide internal roadway.

Chairman Pietrasiak and moved to continue the public hearing until August 13, 2020. Seconded by Jason Mauro. By voice roll call vote: Chairman Pietrasiak: **yea**; Vice Chair Darja Nevits: **not voting**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman: **not voting**; Justin O'Neil, Associate Member: **yea**; Matt Russell, Associate Member: **yea**. 6-0-0. Unanimous.

Adjournment

Chairman Pietrasiak seconded by Jason Mauro moved to adjourn the meeting at 10:47 PM. By voice roll call vote: Chairman Pietrasiak: **yea**; Vice Chair Darja Nevits: **not voting**; Jill Schafer, Clerk: **yea**; Jason Mauro, Member: **yea**; Pamela Cooper, Member: **yea**; Justin O'Neil, Associate Member: **yea**; Matt Russell, Associate Member: **yea**. 6-0-0. Unanimous.