



## Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

### **Minutes of Meeting—June 13, 2019**

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The Hudson Board of Appeals met in the Selectmen's Hearing Room, 2<sup>nd</sup> 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 7:00 PM.

#### **Petition #2010-13; 82 Lincoln Street**

Present were: Elijah Vandenburg, Property Owner

Mr. Vandenburg provided an update on the status of the sale of the above-referenced property. He indicated that the property is completely vacant and the prospective buyer is under contract and scheduled for closing on June 28<sup>th</sup>. Mr. Vandenburg also noted that the requirements of the Accessory Dwelling Unit by-law are disclosed in the mortgage documents.

Chairman Pietrasiak seconded by Dorothy Risser moved to take no further action on the request of the Building Commissioner to revoke Special Permit #2010-13. 5-0-0. Unanimous.

#### **Petition #2019-05; 14 Wellington Drive**

Present were: William and Cynthia Gould, Petitioner

The petitioner submitted pictures of the proposed structures, and provided an updated plot plan and survey, which portrayed the locations of sewer easements and manholes.

Chairman Pietrasiak indicated that the Board is still struggling with making the required findings that would constitute a hardship. Jill Schafer explained in detail the required findings that the Board will need to make in order to grant the variance, which she noted follows the land and not the homeowner.

Chairman Pietrasiak read aloud into the record a letter emailed to Assistant Director expressing by an abutter, Yselis Niebla, expressing concerns about the construction of the proposed garage.

Patricia McColluck of 27 Avon Drive supported the petitioner's request for a variance to construct the garage. She mentioned that a potential hardship could be the possible safety hazard by not having the garage located on the side of the house, and stated that the petitioner has fallen in the driveway due to snow and ice in the winter.

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

Members of the Board engaged in a discussion about whether they could make the required findings to grant the variance. Not all Board members agreed that a hardship could be ascertained. Chairman Pietrasiak asked the petitioners what course of action they would like to take, as no more testimony could be presented at this time and the necessity to obtain a unanimous vote

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

The petitioner requested that the Board entertain a request to withdraw the petition without prejudice.

Chairman Pietrasiak seconded by Dorothy Risser moved to approve the petitioner's request to withdraw petition #2019-05 without prejudice. 4-0-0. Unanimous.

#### **Petition #2019-06; 37 Coolidge Street**

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 read aloud the public hearing notice for the above referenced petition, which entails a request for a special permit to operate a retail marijuana establishment pursuant to Section 5.12 (Recreational Marijuana Overlay District ) of the Town of Hudson Protective Zoning By-Laws. The subject property is located at 37 Coolidge Street, Assessors' Map 17 and Parcel 40 and 56 in the Limited Commercial Industrial Zoning District. The Board may consider any other action deemed necessary relative to the subject petition.

Dorothy Risser read the right of appeal.

Attorney Phillip Silverman first introduced the consultant team working on the proposed Native Sun Wellness project and the owners of Native Sun Wellness (NSW). Attorney Silverman then provided an overview of the site history and the complex site permitting

issues. He explained that Native Sun Wellness secured land (37 Coolidge St.) which had a previously approved retail plan. - Under the State Permit Extension Act NSW was able to resubmit as a minor site plan modification, which the Planning Board approved on March 6, 2018. Attorney Silverman underscored this approval was simply for two retail locations as previously submitted, not for a marijuana dispensary.- With this approval NSW obtained a site work & demo building permit from the building department. This allowed the site to start being developed to the point of foundations, paving, grading, etc. but no physical structure can be built under this permit.

Attorney Silverman then explained that—in accordance with Section 5.12 of the Zoning By-laws (Recreational Marijuana Overlay District) submitted a site plan to the Planning Board. The Planning Board approved the site plan on February 19, 2019.

Ian Ruben, the civil engineer for NSW reiterated the site development history and walked the Board through Site Plan elements, including parking, site circulation, drainage infrastructure, and the building layout.

Dorothy Risser brought to light that the proposed building layout does not meet the required 30-foot rear setback, and underscored that the variance issued for the same building layout in 2005 has expired. Ms. Risser explained and confirmed by Kristina Johnson that variances, if not exercised within one year, expire. It was then noted that the variance granted in 2005 was to a different property owner for project that never moved forward; therefore, the variance referenced in this petition would not be covered by the Permit Extension Act.

Ryan Noone of NSW walked the Board through the internal layout of the proposed retail dispensary, which will contain 4,500 square feet. Mr. Noone presented two illustrative renderings of the building, samples of the building materials, and the building elevations.

Daniel Linskey, NSW's security consultant introduced himself and noted that he was the former Superintendent in Chief for the Boston Police Department. Mr. Linskey provided an overview of all security measures to be in place for the dispensary, and noted that he has been communication with the Hudson Police Chief. Mr. Linskey stated that NSW has not received an official sign off from the Police Chief.

Dorothy Risser pointed out that the NSW's lease references cultivation as a use that will take place at 37 Coolidge Street. Michael Drayer indicated that only retail operations will take on the property, and that insertion of cultivation into the lease was an error. Dorothy Risser strongly encouraged the petitioner to have the lease amended to reflect the actual marijuana use on the site, covered by the requested the special permit.

Patricia McColluck of 27 Avon Drive expressed serious concerns about allowing another retail marijuana use in the Town of Hudson, and that the petitioner did not have

a complete application to the Zoning Board. Ms. McColluck recommended that the Hudson Public School's Drug Officer be consulted with respect to the proposed retail marijuana use.

With the understanding that a request for a variance needs to be formally presented to the Board, the current voting situation, and other issues in the petition that need to be addressed, the petitioner requested a continuance of the public hearing.

Chairman Pietrasiak seconded by Dorothy Risser moved to continue the public hearing for petition #2019-06 to July 25, 2019. 5-0-0. Unanimous

#### **Petition #2019-07; 18 Pope Street**

Present were: Jeffrey Pelletier, Property Owner and Petitioner

Chairman Pietrasiak read aloud the public hearing notice for the above referenced petition which entails the conversion an existing single-family dwelling to a two-family dwelling pursuant to Section 5.2.3.1 (i) of the Town of Hudson Protective Zoning By-Laws. The subject property is located at 18 Pope Street, Assessors Map' 29, Parcel 113 in the C-1 Zoning District. The Board may consider any other action deemed necessary relative to the subject petition.

Dorothy Risser read the right of appeal.

Chairman Pietrasiak inquired about the correct citation from the Zoning By-Laws for this petition. Kristina Johnson stated that correct citation is Section 9.2.3.6 of the By-Laws, which are the C-1 (downtown zoning district) regulations.

The petitioner presented an overview of the proposed plan, and noted that he has moved his fabric and sewing business from his house to the mill at 43 Broad Street.

The Board did not have any questions for the petitioner.

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

The Board has no questions for the petitioner and supported the approval of the special permit.

Chairman Pietrasiak seconded by Dorothy Risser moved to approve the Special Permit to allow for the conversion of 18 Pope Street from a single-family dwelling to a two-family dwelling. 5-0-0. Unanimous

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

### **Petition #2019-08; 367 River Road**

Present were: Paul Prockett, Property Owner and Petitioner

Chairman Pietrasiak read aloud the public hearing notice for the above-referenced petition, which entails the request for a special permit pursuant to Section 5.2.6 of the Town of Hudson's Protective By-laws to construct a ±812 square-foot accessory dwelling unit. The subject property is located at 367 River Road, Assessors Map 62 Block 6 in the M7 Zoning District. The Board may consider any other action deemed necessary relative to the subject petition.

Dorothy Risser read the right of appeal.

Paul Prockett provided an overview of the petitioner to Board and provided an update on the status of enforcement related matters on his property. Mr. Prockett indicated that the individual living the cabana house in the backyard had been asked to vacate the premise, and said structure is now vacant.

Before moving forward with anymore testimony, Chairman Pietrasiak stated that Board has now become aware of situation on the property regarding a potentially unpermitted septic system. Chairman Pietrasiak read aloud a letter from the Department of Public Health to the Assistant Planning Director about this matter, and shared the letter with the petitioner. After the petitioner read the letter, Chairman Pietrasiak asked the petitioner how he wished to proceed, noting the current voting situation.

The petitioner requested that the hearing be continued to the next Zoning Board of Appeals meeting.

Chairman Pietrasiak seconded by Dorothy Risser moved to approve the continuance of the public hearing for Petition 2019-08 to July 11, 2019. 5-0-0. Unanimous

### **Minutes**

Chairman Pietrasiak moved to approve the minutes of May 9, 2019. Seconded by Dorothy Risser. 5-0-0. Unanimous.

### **Adjournment**

Chairman Pietrasiak moved to adjourn the meeting at 9:15 PM. Seconded by Dorothy Risser. 5-0-0. Unanimous.