



Town of Hudson

Zoning Board of Appeals

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Zoning Board of Appeals Meeting Minutes — October 13, 2022

Pursuant to Chapter 107 of the Acts 2022 extending remote meeting provisions of Governor Baker's March 12, 2020 Executive Order suspending certain provisions of the Open Meeting Law, this meeting of the Hudson Planning Board was conducted fully-remote via Zoom.

Chair Nevits called the meeting to order at 7:00 PM. She noted that the Board is convening remotely under the extension of the suspension of certain provisions of the Open Meeting Law relative to COVID-19. Before moving into the public hearings, she reminded the Board and meeting attendees 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.

Chair Nevits called the roll.

Board Members Participating:

Darja Nevits, Chair
Jill Schafer, Vice Chair
Jason Mauro, Clerk

Matt Russell, Member
Tony Mancini Jr., Associate Member

Board Members Absent:

Ronald Sorgman, Associate Member

Staff Members Participating:

Kristina Johnson, Director of Planning and
Community Development

Public Hearing – Petition 2022-08 – 14 Kane Industrial Drive (continued from 9/8/2022)

Chair Nevits re-opened the above-referenced petition, and noted that the petitioner has received their provisional license from the Cannabis Commission. Chair Nevits turned the virtual floor over to Brian Adams of Hudson Botanical Processing to provide an overview of the petition.

Brian Adams noted that the proposed use requires two special permit: one for a cannabis use pursuant to the Marijuana Industrial Overlay District and the Watershed Overlay District. Mr. Adams presented an overview of how the proposed cannabis manufacturing facility complies with the use regulations of both zoning districts.

Jason Mauro inquired if the Planning Board had waived Site Plan Review for this proposed use and if the Conservation Commission, Department of Public Works, and the Department of Public Health had any comments relative to the petition. Kristina Johnson stated that the Planning Board waived the requirement for Site Plan Review for this proposed project and that the three (3) aforementioned Town Departments did not have any comments relative to the

petition. Mr. Adams noted that he had recently met with the Police Chief and the Fire Chief to review and discuss the security plan and other safety measures.

Chair Nevits inquired about the term of the lease, as she noted there was no length of the lease term or expiration date stated in the lease agreement. Mr. Adams expressed his understanding that the lease would be in full force and effect for five (5) years. Kathleen Adams, property owner of 14 Kane Industrial Drive, stated that she would be more than happy to furnish a copy of the lease where the length of the lease is clearly stated, as she noted that the length may have been accidentally redacted. Chair Nevits also requested that the Certificate of Good Standing and Certificate of Organization be updated, as there had been a significant lag time between the filing of the petition and when they received their provisional license from the Cannabis Control Commission.

Chair Nevits seconded by Vice Chair Schafer moved to enter deliberative session. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 5-0-0. Unanimous.

During deliberative session, the Board made the following findings relative to compliance with the use regulations of the Marijuana Industrial Overlay District:

1. The subject property is located in the M6 Industrial Zoning District, and within the Marijuana Industrial Overlay District and the Watershed Protection District.
2. The Hudson Planning Board waived the requirement for Site Plan Review for the proposed operation.
3. The proposed Marijuana Establishment is not contrary to the best interests of the inhabitants of the Town of Hudson.
4. The petition was prepared in accordance with Section 8.2 of the Town of Hudson's Protective Zoning By-laws.
5. The proposed use is in harmony with the general purpose and intent of the Town of Hudson's Protective Zoning By-laws.
6. The proposed Marijuana Establishment does not constitute a substantial detriment to the public good and is designed to minimize any adverse visual or public safety impacts on abutters or other parties of interest.
7. The proposed Marijuana Establishment demonstrates that it has met the permitting requirements of all applicable State agencies.
8. The proposed Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of marijuana product are adequately secured.
9. The proposed Marijuana Establishment adequately addresses issues of traffic demand, circulation flow, parking and queueing, particularly at peak periods at the establishment and its impact on neighboring uses.

10. The proposed Marijuana Establishment has satisfied all the conditions and requirements herein, including those relative to signage, security, storage, location, site control, traffic, noise, and odor control.

Jason Mauro seconded by **Matt Russell**, moved to grant a Special Permit within the Marijuana Industrial Overlay District pursuant to Section 5.13 of the Hudson Zoning By-laws, to allow Hudson Botanical Processing to operate a cannabis product manufacturing establishment on the subject property located at 14 Kane Industrial Drive. With the following conditions:

1. The petitioner shall submit a notarized statement signed by the marijuana establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated owners.
2. The petitioner shall submit an updated Certificate of Good Standing and Certificate of Organization prior to the issuance of an Occupancy Permit. s
3. The petitioner must be permitted by the Town of Hudson Board of Health prior to issuance of any Occupancy Permit, in accordance with Section 5.13.4(3).
4. The hours of operation will be from 24 hours per day seven (7) days per week, with deliveries allowed only between the hours of 6:00 AM and 6 PM, per the Cannabis Control Commission.
5. Any generator maintenance and/or testing shall only occur between the hours of 6:00 AM and 6:00 PM.
6. 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.
7. The sale, merger, acquisition, or any change of control of Hudson Botanical Processing LLC shall necessitate a review and approval of the security plan by the Chief of Police.
8. Per Section 5.13.7, the petitioner shall file an annual report and appear before the Special Permit Granting Authority 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.
9. 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, Board of Health, Chief of Police, Fire Chief, and the Zoning Board of Appeals.

By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 5-0-0. Unanimous.

During deliberative session, the Board made the following findings relative to compliance with the use regulations of the Watershed Protection District :

1. The subject property is located in the M6 Industrial Zoning District, and within the Marijuana Industrial Overlay District and the Watershed Protection District.
2. The proposed use of the subject property, to operate a marijuana delivery and product manufacturing establishment, is allowed in the underlying zoning district.
3. Copies of the applicant's proposal have been referred to the required Town Departments (Board of Health, Conservation Commission, and Department of Public Works) and the Board is satisfied that any comments or concerns have been addressed by the petitioner.
4. That the proposed use of the subject property to operate a marijuana delivery and product manufacturing establishment is in harmony with the purpose and intent of this by-law and will promote the purpose of the Watershed Protection District.
5. That the proposed use is appropriate to the natural topography, soils, and other characteristics of the site to be developed.
6. That the proposed use will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district.
7. That the proposed use will not adversely affect an existing or potential water supply.
8. That the proposed use will not create traffic hazards or significantly increase volume.
9. That the proposed use complies with the general or specific provisions set forth within the Zoning By-laws.

Jason Mauro seconded by **Vice Chair Schafer**, moved to grant a Special Permit for a use within the Watershed Protection District, pursuant to Section 3.3.10 of the Hudson Zoning By-laws, to allow Hudson Botanical Processing to operate a marijuana delivery and product manufacturing establishment on the subject property located at 14 Kane Industrial Drive. With the following conditions:

1. That all waste materials will be contained and secured until properly disposed, in accordance with the Cannabis Control Commission regulations.
2. No chemical de-icers or fertilizers will be utilized.
3. Town Departments will be allowed reasonable access to confirm proper handling, storage, and disposal of any potential contaminants.

By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 5-0-0. Unanimous.

Chair Nevits seconded by Jill Schafer moved to leave deliberative session. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 5-0-0. Unanimous

Public Hearing – Petition 2022-09 – 27 Cox Street and 54 Lake Street

Chair Nevits read into the record the request from the petitioner to continue the public hearing until November 11, 2022.

Chair Nevits seconded by Mr. Russell moved to continue the public hearing for 27 Cox Street and 54 Lake Street to the Board's next regularly scheduled meeting on November 10, 2022. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 5-0-0.

Public Hearing – Petition 2022-10 –106 Forest Avenue

Chair Nevits opened the public hearing for the above-referenced petition and read the public hearing notice into the record: ***MCN Realty, LLC to obtain an amendment to Special Permit #1065 granted on August 13, 2015 to allow for the use of building for automobile repairs pursuant to Section 5.5.1.1 and Section 5.3.3.1 of the Town of Hudson Zoning by-laws. The subject property is located at 106 Forest Avenue in the M-5 (Industrial) Zoning District, Assessors' Map 42 Parcel 79. The Board may consider any action deemed necessary relative to the subject petition.***

Jason Mauro, Clerk read the right of appeal.

Chair Nevits turned the virtual floor over to Attorney Michael Norris, the petitioner's Counsel to provide an overview of the petition.

Attorney Norris first noted that he represented the petitioner during the original public hearing process for the Special Permit, and stated that the property has been used for the storage of construction equipment, an office, and the storage of vehicular parts. He also described the adjacent bays to the main building, which two have been used exclusively for automobile repair and the third being used for automobile body work. Attorney Norris explained that the Building Commissioner had inspected the properties and issued a Certificate of Occupancy, and did not express any issues with the use of the property; however, Attorney Norris noted that the Building Commissioner was aware that the property was being used for automotive repair and automotive body work and painting. The Building Commissioner requested that the property owner seek an amendment to the Special Permit to explicitly state that these uses have been reviewed and approved by the Board of Appeals. Attorney Norris displayed a picture of an approved Hazardous Material Storage cabinet, which stores various chemicals, paints, and paint removers.

Vice Chair Schafer inquired as to why the Special Permit needed to be amended as she expressed her belief that the original permit was issued pursuant to 5.3.1 covers the use of the property for automobile repair. Jason Mauro concurred with Vice Chair Schafer regarding the need for an amended Special Permit. Chair Nevits inquired whether the Fire Chief would be involved in reviewing the proper storage of hazardous chemicals.

Chair Nevits seconded by Vice Chair Schafer moved to enter deliberative session. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 5-0-0. Unanimous.

During deliberative session, the Board expressed no opposition to amending the Special Permit and made the following findings:

1. The subject property is located in the M-5
2. The use will not have an adverse effect on present and future dwellings in the vicinity.
3. The use will not create traffic hazards or volume greater than the capacity of the streets effected.
4. The proposal is not contrary to the best interests of the inhabitants of the Town of Hudson, in accordance with Section 8.2 of the Protective Zoning By-Laws of the Town of Hudson, is in harmony with the general purpose and intent of the protective zoning by-law, and does not constitute a substantial detriment to the public good.

Jason Mauro seconded by Vice Chair Schafer, moved to grant an amendment to a Special Permit issued on August 13, 2015, to specifically allow for the use of building for automobile repairs and vehicle storage pursuant to provisions of Section 5.5.1.1 and Section 5.3.3.1 of the Town of Hudson Zoning by-laws with all conditions in the original Special Permit #1065 remaining in full force and effect.

By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 5-0-0. Unanimous.

Chair Nevits seconded by Vice Chair Schafer moved to enter deliberative session. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 5-0-0. Unanimous.

Minutes

Chair Nevits seconded by Vice Chair Nevits moved to approve the meeting minutes of September 8, 2022. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 5-0-0. Unanimous.

Adjournment

Chair Nevits seconded by Mr. Mauro moved to adjourn the meeting at 8:45PM. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 5-0-0. Unanimous.