



Town of Hudson

Zoning Board of Appeals

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Minutes of Meeting — December 9, 2021

Pursuant to the Chapter 20 of the Acts of 2021 Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, this meeting of the Hudson Zoning Board of Appeals was conducted via **remote participation**.

Mr. Mauro called the meeting to order at 7:03 PM. He 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, he 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.

Mr. Mauro called the roll. Mr. Mauro turned the floor over to Kevin Santos to call roll for the Affordable Housing Trust, however a quorum of the Affordable Housing Trust was not present.

Board Members Participating:

Jill Schafer, Vice Chair (joined meeting late)
Jason Mauro, Clerk
Pamela Cooper, Member
Matt Russell, Member
Ronald Sorgman, Associate Member

Board Members Absent:

Darja Nevits, Chair

Staff Members Participating:

Kristina Johnson, AICP, Director
Amanda Molina Dumas, Assistant Planner

Public Hearing – Petition 2021-012 – 7 Kane Industrial Drive (item taken first)

Present: Julia Germaine, Operating Partner for TSC Delivery LLC and Top Shelf Labs Massachusetts LLC

Mr. Mauro opened the public hearing for the above-reference petition and read the public hearing notice into the record. At this time the Board of Appeals will hear the request of TSC Delivery LLC and Top Shelf Labs Massachusetts LLC to obtain a Special Permit to operate a marijuana delivery and product manufacturing establishment within the Marijuana Industrial Overlay District pursuant to Section 5.13 of the Hudson Zoning By-laws, and a Special Permit for a use within the Watershed Protection District pursuant to Section 3.3.10 of the Hudson Zoning By-laws. The subject property is located at **7 Kane Industrial Drive** in the M6 Industrial Zoning District, Assessors' Map 35 Parcel 97. The Board may consider any action deemed necessary relative to the subject petition.

Mr. Mauro read the right of appeal, explained the meeting flow, and invited the petitioner to present an overview of the request for special permits.

Julia Germaine, Operating Partner for TSC Delivery LLC and Top Shelf Labs Massachusetts LLC, provided an overview of the request, seeking a special permit to operate a marijuana delivery and product manufacturing establishment, and a special permit to operate said use within the Watershed Protection District. The project requires a new business license type from the Cannabis Control Commission for the home delivery of cannabis products, and will be a social equity cannabis business run by Ryan Cohen, Hudson resident and veteran. All renovations are interior to the structure, and no cash will be carried or stored in the vehicles or building. The establishment will operate as a cannabis fulfillment center for third party brands to be distributed via home delivery.

Mr. Mauro inquired if any members of the public wished to offer any comments. No members of the public requested to speak on the petition.

Mr. Mauro seconded by Matt Russell moved to enter deliberative session. By voice roll call vote: Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 4-0-0. Unanimous.

During deliberative session, the Board unanimously agreed that the appropriate action relative to the subject petition is the issuance of a special permit under **Section 5.13** of the Town of Hudson Protective Zoning By-laws and the made the following findings:

Findings of Fact:

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.

CONDITIONS

1. The petitioner must 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 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).
3. The hours of operation will be from 8:00 AM to 10:00 PM, seven (7) days per week, with deliveries allowed only between the hours of 8:00 AM and 9 PM, per the Cannabis Control Commission.
4. 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.
5. The sale, merger, acquisition, or any change of control of TSC Delivery LLC and Top Shelf Labs Massachusetts LLC shall necessitate a review and approval of the security plan by the Chief of Police.
6. 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 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.
7. 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.

Mr. Mauro seconded by Matt Russell moved to approve Petition #2021-12 and grant a Special Permit under Section 5.13 of the Town of Hudson Protective Zoning By-laws to allow TSC Delivery LLC and Top Shelf Labs Massachusetts LLC to operate a marijuana delivery and product manufacturing establishment on the subject property at 7 Kane Industrial Drive.

By voice roll call vote: Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 4-0-0. Unanimous.

During deliberative session, the Board unanimously agreed that the appropriate action relative to the subject petition is the issuance of a special permit under **Section 3.3.10** of the Town of Hudson Protective Zoning By-laws and the made the following findings:

Findings of Fact:

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.

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.

Mr. Mauro seconded by Matt Russell moved to approve Petition #2021-12 and grant a Special Permit for a use within the Watershed Protection District under Section 3.3.10 of the Town of Hudson Protective Zoning By-laws to allow TSC Delivery LLC and Top Shelf Labs Massachusetts LLC to operate a marijuana delivery and product manufacturing establishment on the subject property at 7 Kane Industrial Drive.

By voice roll call vote: Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 4-0-0. Unanimous.

Mr. Mauro seconded by Matt Russell moved to leave deliberative session. By voice roll call vote: Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 4-0-0. Unanimous.

Continued Public Hearing – Petition 2021-10 – 62 Packard Street

Present: Metro West Collaborative Development (MWCD)
Nitsch Engineering
Attorney Paul Haverty of Blatman, Bobrowski, and Haverty

Ms. Schafer opened the public hearing for the above-reference petition and read the public hearing notice into the record. At this time the Board of Appeals will hear an application by Metro West Collaborative Development, 79-B Chapel Street, Newton, MA 02458 as to 62 Packard Street, Assessor's Map 18 Lot 71 requesting a Comprehensive Permit pursuant to Chapter 40B for 40 units all which will be restricted as affordable under the terms of the Comprehensive Permit Guidelines.

Jason Mauro, Clerk, read the right of appeal. Vice Chair Schafer explained the meeting flow and invited the petitioner to present an overview of the request for a Comprehensive Permit.

A quorum of the Affordable Housing Trust was reached at this time, including Kevin Santos, Jory Tsai, Ian Mezmanian, John Parent, Anna McCabe and Daryl Filippi.

From the developers team, the following members were present: Caitlin Madden and Claire Comeau of Metro West Collaborative Development; Lia Scheele of Davis Square Architects; Chelsea Christenson of Nitsch Engineering; Paul Haverty of Blatman, Bobrowski, and Haverty. Caitlin Madden provided an overview of the changes to the plan, including the addition of 5 additional parking spaces, for a total of 56 spaces proposed (1.4 parking stalls per unit parking ratio). The stormwater management system was also changed, tying the townhouses into the street as opposed to the onsite system. The Board was satisfied with the additional parking spaces and ratio.

Ms. Schafer inquired if any members of the public wished to offer any comments. Anna McCabe, member of the Affordable Housing Trust asked the Board to please vote in favor of the project.

Attorney Haverty and Ms. Johnson reviewed the decision and conditions of approval. The Board and the development team discussed the affordability threshold detailed in the decision, noting that 100% of the rental units shall be low- or moderate-income units, rented to households up to 80% of the Area Median Income. The Board reviewed the requested waivers, some of which were deemed unnecessary as the comprehensive permit subsumes all other local permitting requirements.

Mr. Mauro seconded by Matt Russell moved to enter deliberative session. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 5-0-0. Unanimous.

During deliberative session, the Board unanimously agreed that the appropriate action relative to the subject petition is the issuance of a Comprehensive Permit under Chapter 40B with the findings, conditions of approval and requested waivers outlined in the decision, which is on file with the Town Clerk.

Mr. Mauro seconded by Matt Russell moved to approve Petition #2021-10 and grant a Comprehensive Permit pursuant to Chapter 40B for 40 units all of which will be restricted as affordable under the terms of the Comprehensive Permit Guidelines on the subject property at 62 Packard Street.

By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 5-0-0. Unanimous.

Mr. Mauro seconded by Matt Russell moved to leave deliberative session. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 5-0-0. Unanimous.

Mr. John Parent seconded by Mr. Jory Tsai moved to adjourn the Affordable Housing Trust. All in favor.

Minutes – November 18, 2021

Vice Chair Schafer seconded by Pamela Cooper moved to approve the meeting minutes of November 18, 2021. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 5-0-0. Unanimous.

Adjournment

Vice Chair Schafer seconded by Pamela Cooper moved to adjourn the meeting at 8:31 PM. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 5-0-0. Unanimous.