



# Town of Hudson

## Zoning Board of Appeals

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### Minutes of Meeting — January 13, 2022

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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**.

Vice Chair Schafer called the meeting to order at 7:04 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.

Vice Chari Schafer called the roll.

Board Members Participating: Jill Schafer, Vice Chair  
Jason Mauro, Clerk  
Pamela Cooper, Member  
Matt Russell, Member

Board Members Absent: Darja Nevits, Chair  
Ronald Sorgman, Associate Member

Staff Members Participating: Kristina Johnson, AICP, Director  
Amanda Molina Dumas, Assistant Planner

### Public Hearing – Petition 2022-01 – 37 Coolidge Street

Present: Charles Yon, Native Sun Wellness, Inc.  
Alicia Champagne, Native Sun Wellness, Inc.  
Caitlyn Woodward-Samson, Native Sun Wellness, Inc.

Vice Chair 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 the request of Native Sun Wellness, Inc., to amend a Special Permit issued on July 25, 2019 to operate a retail marijuana establishment pursuant to Section 5.12 (Recreational Marijuana Overlay District) of the Town of Hudson's Protective Zoning By-laws. The proposed amendment entails the extension of the hours of operation from 8 PM to 10 PM. The subject property is located at **37 Coolidge Street** in the Limited Commercial Industrial Zoning District, Assessors' Map 17 Parcels 40 and 56. The Board may consider any action deemed necessary relative to the subject petition.

Mr. Mauro read the right of appeal. Vice Chair Schafer explained the meeting flow and invited the petitioner to present an overview of the request.

Charlie Yon of Native Sun Wellness, Inc., provided an overview of the request, seeking to amend the Special Permit issued on July 25, 2019 to operate a retail marijuana establishment. Native Sun Wellness, Inc. seeks an extension of their hours of operation, from 8 PM to 10 PM, which was approved at Town Meeting in November 2021.

Vice Chair Schafer inquired if any members of the public wished to offer any comments. No members of the public requested to speak on the petition.

Vice Chair Schafer 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**. 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 amendment under **Section 5.12** 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 Limited Commercial Industrial Zoning District (LCI) and the Recreational Marijuana Overlay District (RMOD);
2. The petitioner has satisfactorily demonstrated that the amendment of the Special Permit to allow for the extension of the hours of operation complies with the Use Regulations per Section 5.12.1 through 5.12.10 of the Town of Hudson's Protective Zoning By-Laws;
3. The petitioner has satisfactorily demonstrated that the amendment of the Special Permit to allow for the extension of the hours of operation complies with the Commonwealth of Massachusetts' Cannabis Control Commission requirements and regulations.
4. The amendment of the Special Permit to allow for the extension of the hours of operation is not contrary to the best interests of the inhabitants of the Town of Hudson;
5. The amendment of the Special Permit to allow for the extension of the hours of operation for the retail marijuana establishment complies with the provisions of Section 8.2 of the Town of Hudson's Protective Zoning By-Laws;
6. The amendment of the Special Permit to allow for the extension of the hours of operation for the retail marijuana establishment is in harmony with the general purpose and intent of the Town of Hudson's Protective Zoning By-Laws;
7. The amendment of the Special Permit to allow for the extension of the hours of operation for the retail marijuana establishment does not constitute a substantial detriment to the public good and has been designed to minimize any adverse visual and/or public safety impacts on abutters and other parties of interest.

### **CONDITIONS**

1. Any plans illustrating the layout of the facility with respect to safety and security measures shall be sequestered for the use of law enforcement officials only.
2. Per Section 5.12.5 (10), the hours of operation shall not deviate from the 8:00 AM through 10:00 PM timeframe and there shall be no loitering on the premises.
3. The petitioner shall meet with the Chief of Police annually to review the security plans. Any substantial modification of the security plan shall require approval from the Chief of Police.

4. The sale, merger, acquisition, or any change of control of Native Sun Wellness, Inc. shall necessitate a review and approval of the security plan by the Chief of Police.
5. 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 31<sup>st</sup>. 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 the Special Permit issued on July 25, 2019 and the conditions contained herein.

Mr. Mauro seconded by Matt Russell moved to approve Petition #2022-01 and grant an amendment to a Special Permit issued on July 25, 2019 to operate a retail marijuana establishment pursuant to Section 5.12 (Recreational Marijuana Overlay District) of the Town of Hudson's Protective Zoning By-Laws, to allow Native Sun Wellness, Inc to extend their hours of operation from 8 PM to 10 PM, on the subject property located at 37 Coolidge Street.

By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**. 4-0-0. Unanimous.

Vice Chair Schafer 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**. 4-0-0. Unanimous.

#### **Public Hearing – Petition 2022-02 – 29 Zina Road**

Present: Clayton Silva, Representative  
Maicon Moraes, Applicant

Vice Chair 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 the request of Maicon Moraes, requesting a Special Permit to construct an accessory dwelling unit pursuant to Section 5.2.6 of the Town of Hudson Protective Zoning By-Laws. The subject property is located at 29 Zina Road in the SA8 Residential Zoning District, Assessors' Map 6 Parcel 71. The Board may consider any action deemed necessary relative to the subject petition.

Mr. Mauro read the right of appeal. Vice Chair Schafer explained the meeting flow and invited the petitioner to present an overview of the request.

Clayton Silva, representative for the applicant, provided an overview of the request, seeking a special permit to construct an accessory dwelling unit at 29 Zina Road. The Board discussed if all of the ADU requirements have been met regarding a separate entrance, square footage of the unit, and off-street parking. Mr. Silva confirmed that the septic system is sized properly to support the proposed unit.

Vice Chair Schafer inquired if any members of the public wished to offer any comments. No members of the public requested to speak on the petition.

Vice Chair Schafer 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**. 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 5.2.6** of the Town of Hudson Protective Zoning By-laws and the made the following findings:

### **FINDINGS OF FACT**

1. The subject property is located within the SA8 Residential Zoning District;
2. The proposed Accessory Dwelling Unit complies with the Use Regulations per Section 5.2.6 of the Town of Hudson's Protective Zoning By-Laws;
3. The use will not have an adverse effect on present and future dwellings in the vicinity;
4. The use will not create traffic hazards of volume greater than the capacity of the street affected.

### **CONDITIONS**

1. Any successor owner of the subject property shall file an occupancy affidavit with the Town of Hudson Building Commissioner to ensure compliance with Section 5.2.6.4 of the Town of Hudson Protective Zoning By-Laws.

Mr. Mauro seconded by Matt Russell moved to approve Petition #2022-02 and grant a Special Permit under Section 5.6.2 of the Town of Hudson's Protective Zoning By-Laws, to allow the petitioner to construct an accessory dwelling unit according to plans dated October 2, 2021, on the subject property located at 29 Zina Road.

By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**. 4-0-0. Unanimous.

Vice Chair Schafer 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**. 4-0-0. Unanimous.

### **Other Business – Review of annual report from Native Sun retail marijuana establishment**

This item was held until the next regularly scheduled meeting.

### **Minutes – December 9, 2021**

Vice Chair Schafer seconded by Matt Russell moved to approve the meeting minutes of December 9, 2021. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**. 4-0-0. Unanimous.

### **Adjournment**

Vice Chair Schafer seconded by Pamela Cooper moved to adjourn the meeting at 8:35 PM. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**. 4-0-0. Unanimous.