



Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting— January 11, 2017

The Hudson Board of Appeals met in the Selectmen's Hearing Room, 2nd Floor, Town Hall, Hudson, Massachusetts. At 7:00 PM, Lawrence Norris called the meeting to order.

Members Present: Lawrence Norris, Dorothy Risser, Todd Pietrasiak, Jason Mauro, Pamela Cooper, Darja Nevits; Christopher Tibbals, and Jill Schafer

Staff: Kristina Johnson, Assistant Director of Planning & Comm. Dev.

Petition: 131 Coolidge Street, *Special Permit Continued*

Present were: Aldo Cipriano, Atty. at Law, Town Counsel
Attorney Paul Giannetti
Anthony Parinello, Manna Wellness
Stephen Poole, Lakeview Engineering
Thomas Moses, Town Administrator
Fred Lucy, Selectman

Firstly, Attorney Paul Giannetti noted to the Board that the following materials had been submitted to the Town and entered into the administrative record:

- 1) The correct Provisional Certification of Compliance from the Massachusetts Department of Public Health;
- 2) A copy of the lease between Manna Wellness and Paul Carney with all financial terms and conditions redacted;
- 3) A summary of the 20-foot access easement;
- 4) A copy of the confirmatory deed from David Durand regarding the conveyance of the above referenced access easement, which formalizes the understanding for the record and;
- 5) A revised internal building layout plan that shows the dimensions of each of the rooms, which is related to the previously submitted security plan.

Chairman Norris officially opened the meeting and acknowledged the receipt of the above-referenced materials. Before proceeding with questions from the Board, Chairman Norris first inquired about the status of the Host Agreement, to which Attorney Giannetti explained that Host Agreement is still in progress. Mr. Giannetti stated that he expects---should the Board

grant the Special Permit—that the satisfactory execution of the Host Agreement would be a condition. Second, Chairman Norris expressed his curiosity about whether the dispensary—when up and running—would have a banking relationship given the status of the marijuana under federal law. Anthony Parinello clarified to the Board that Manna Wellness has a relationship with a commercial bank, and as such, will accept debit cards as payment for products. Jill Schafer added that the commercial banks are not precluded under federal law from doing business with medical marijuana facilities.

Jill Schafer inquired how the rent would be paid to the landlord, to which Anthony Parinello replied that most likely payment will be via a check. Attorney Giannetti underscored that the rent payment would not be made in cash.

Jason Mauro acknowledged that the plans and the updated information appear to be complete and that he has no questions.

Dorothy Risser had no questions for the petitioner, but offered her sincerest thanks to Attorney Giannetti for providing a thorough clear summary of the history of the land and of the access easement. Attorney Giannetti noted that multiple attorneys have been involved with the subject property over the years and the summaries were his attempt to cobble all of the history together in one summary.

Vice President Petrasiak acknowledged that he was the most vocal member at the prior meeting with respect to reconciling the security plan with the internal layout plan. He acknowledged the internal layout plan now contains dimensions for the different rooms but he respectfully requested that the petitioner walk through the changes on the internal layout plan from the last meeting. Mr. Parinello then proceeded to describe the ingress and egress of patients to and from the building and their circulation therein. He noted the location of the camera, the man trap, and other security measures. Todd then inquired about the height and look of the counter, to which Mr. Parinello responded that the counter will be similar to a normal retail with all cannabis related products behind the counter.

Chairman Norris asked about the location of a camera mounted on an exit door in the access corridor. Mr. Parinello explained the plan contained a typo with respect to the placement of that camera. Mr. Parinello also underscored that all aspects of the camera system are regulated, approved, and inspected by the Commonwealth of Massachusetts. Every square foot of the dispensary is required to be under surveillance per State law. He pointed out that the architectural drawings which includes the layout of the surveillance cameras have not been submitted to the Commonwealth, and that the camera locations as depicted on the plans before the Board may be tweaked as required by the Commonwealth.

Chairman Norris then asked the petitioner to clarify the purpose of the “stairway” as depicted on the internal layout plan. Mr. Norris wanted to understand the separation between the dispensary and the other parts of the building. Mr. Parinello noted that that

there is an exterior door between the product room and the access stairwell to other parts of the building.

Darja Nevits inquired about why there were no surveillance cameras for the level 2 locked storage room shown on the plans. Steve Poole noted that is a typo on the plan, and that the surveillance camera mistakenly shown on the exit door.

Pamela Cooper asked how many hours per day the door would be unlocked. Mr. Parinello stated that the offices on the second floor would have longer business hours than the dispensary, and that the dispensary and the offices share a common access lobby. Ms. Cooper expressed concern about nighttime and weekend security. Attorney Giannetti explained that there are double doors before the man trap and that the dispensary is under camera surveillance 24 hours a day. Chairman Norris followed up with a question regarding the petitioner's intended hours of operation, to which Mr. Parinello responded that the Commonwealth does not have a set standard hours of operation. Jill Shafer noted that the Medical Marijuana Overlay District Section 5.11.5 specifies the hours of operation only between 8:00 AM and 8:00 PM, and recommended the hours of operation timeframe be a condition of the Special Permit.

Vice President Petrasiak reminded the petitioner about the requirement to comply with Section 5.11.5 (9) and provide the Police Department, Health Department, and the Special Permit Granting Authority with the names, phone numbers, and e-mail addresses of all dispensary management staff and key holders. He noted this information was not part of the petition, and that it could be added as a condition. Attorney Giannetti explained that this information was left out so that the private telephone numbers of management staff did not become part of the administrative record.

Dorothy Risser asked the petitioner about the average length of a transaction. Anthony Parinello explained that the length of the transaction is contingent on many factors including the wait time at retail counter and/or the educational needs of the patient regarding consuming cannabis. Mr. Parinello then walked through the logistics of a typical transaction. Ms. Risser followed up and asked approximately how many patients could be accommodated at once, to which Mr. Parinello responded that approximately 12-18 patients (based on the number of seats provided in the waiting area) could be accommodated.

Jason Mauro asked the petitioner about the logistics of how the product gets delivered to the dispensary. Mr. Parinello underscored that the deliveries are completed in a very systematic, inconspicuous, low-profile fashion.

Chairman Norris then asked if there were any comments or questions from members of the audience.

Paul McMaster of 9 School Street expressed his support for the medical marijuana dispensary, but recognized the fact that the Board is required to “dot the I’s and cross the T’s.”

With no further questions, Lawrence Norris seconded by Todd Petrasiak moved to go into deliberative session. Vote 5-0-0. Unanimous

During the deliberative session, Board members discussed how to appropriately condition the Special Permit for the proposed medical marijuana dispensary.

Lawrence Norris seconded by Dorothy Risser, moved to grant the special permit under Section 5.11 through 5.11.9 of the Town of Hudson’s Protective Zoning By-laws to allow the petitioner to operate a medical marijuana treatment facility at 131 Coolidge Street in an existing 17,716 square-foot building with the following conditions:

1. The issuance of said Special Permit is contingent upon an executed agreement between the Petitioner and the Town of Hudson as approved by the Board of Selectmen.
2. 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
3. Per Section 5.11.5 Section 10, the hours of operation shall be not deviate from the 8:00 AM through 8:00 PM timeframe and there shall be no loitering on the premises.
4. Per Section 5.11.5 Section 9, the petitioner shall provide the Special Permit Granting Authority—Police Department, Hudson Board of Health the names, phone numbers, and e-mail addresses of all management staff and key holders to whom one can provide notice it there are operating issues associated with the establishment and they shall be immediately notified of any change in the above information.
5. Per Section 5.11.6, 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 Center, and demonstrate continued compliance with the conditions of this Special Permit.

VOTE:5-0-0 Unanimous

Lawrence Norris, seconded by Todd Pietrasiak, made a motion to come out of deliberative session. 5-0-0 Unanimous

Discussion of ZBA Administrative Procedures and Protocols

As directed by the Board, Kristina Johnson, Assistant Director led a discussion about the existing format of public hearing notices and decisions templates and ideas for revamping. Ms. Johnson provided examples from other communities in Metrowest, and provided a draft public hearing notice and decision for the Board's consideration. After considerable discussion about ideas for tweaking the existing formats, the Board agreed with a format to use going forward. Also, Ms. Johnson agreed to do a better job informing which members of the Board are required to come into Town Hall and sign decisions, rather than sending a general e-mail to the entire Board.

Lawrence Norris, seconded by Todd Pietrasiak, made a motion to adjourn the meeting at 9:30 PM. 8-0-0 Unanimous

Assistant Director's Report

No report was given.

Minutes

Lawrence Norris, seconded by Dorothy Risser made a motion to accept the minutes of October 13, 2016, as written.

Vote: 8-0-0, Unanimous.

Adjournment

At 9:40 PM, Todd Pietrasiak, seconded by Dorothy Risser, moved to adjourn.

Vote: 8-0-0, Unanimous