



# Town of Hopkinton

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## HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES OCTOBER 4, 2016

Members present: Chairman Daniel Rinden, Toni Gray, Charles Koontz, Jonathan Eck and Jessica Schienman. Staff present: Planning Director Karen Robertson.

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*Note: The Zoning Board of Adjustment's Rules of Procedure was available during the application process and additional copies were available at the meeting for the general public.*

I. **Call to Order.** Chairman Rinden called the meeting to order at 5:30 PM in the Hopkinton Town Hall.

II. **Application(s).**

**Special Exception (#2016-09), YAYA Organics LLC, Tax Map 227, Lot 44, M-1 District.**

Applicant proposes light manufacturing and assembly of personal body care products. The property is owned by Jane Sullivan Durand and Lynn Durand, located at 633 Maple Street. The application is submitted in accordance with Zoning Ordinance Table of Uses 3.6.G.1.

Applicant's written response to the criteria for a Special Exception as outlined in Section XV of the Zoning Ordinance was as follows:

- Standards provided by this Ordinance for the particular use permitted by Special Exception.** "Manufacturing and assembly is allowed in zone M-1 by Special Exception under Section 3.6.G.1."
- No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.** "YAYA Organics uses non-toxic and non-hazardous materials; therefore, we believe the business poses no risk to the public or neighboring properties."
- No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking areas, access ways, odor(s), smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.** "YAYA Organics does not believe or expect that we will impact the neighborhood negatively in terms of traffic, noise, pollution, heat, vibration, access ways, parking, or otherwise. Currently, we are a staff of three persons."
- No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.** "We will impose minimal traffic as we only have three employees. Currently, our traffic and access needs include parking for three people (possibly more as we grow) and access for deliveries via UPS, US Postal Service, etc."
- No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.** "The building is on its own water well and septic system; therefore, we do not expect to put any excessive

demand on municipal services. Much of our garbage is recyclable. There is minimal risk for police and fire protection. No demand for schools.”

6. **No significant increase of storm water runoff onto adjacent property or streets.** “We are not altering the property; therefore, we believe the storm water runoff will remain consistent.”
7. **An appropriate location for the proposed use.** “We believe that 633 Maple Street is the best location for YAYA Organics because it is an appropriate size for our needs. It has adequate space and set-up for light manufacturing and office, as well as the fact that we want to contribute to the vibrant local business community in Hopkinton.”
8. **Not affect adversely the health and safety of the residents and others in the area and not be detrimental to the use or development of adjacent or neighboring properties.** “All work will be conducted within the building. We do not expect or believe that we will affect any of our neighbors adversely. We have very safe non-toxic products and our manufacturing and assembly is not going to impact our neighbors in any way.”
9. **In the public interest and in the spirit of the ordinance.** “We believe YAYA Organics will bring only positive impacts to the Hopkinton community, and to the other tenants and neighbors in the vicinity. We are passionate about development, manufacturing and making available the highest quality natural products and expect that our contribution (and ethics) will strengthen the vibrant business community that we love in Hopkinton. We are local residents and consumers who appreciate the network of people that build spirit and community.”

Valeria Rezende DioDato of 5 Pond Place Lane, Concord, and Alexandra Lawrence of 305 Old Stagecoach Road, Hopkinton, addressed the Board to explain the various products that YAYA Organics manufactures, such as natural deodorants, and tick and mosquito repellents. YAYA Organics has been in business since 2014, working out of a facility in Concord. The proposal is to relocate all aspects of the business, marketing, sales, and development, to the Maple Street facility. YAYA Organics’ products are sold in over 150 stores, including coops, garden centers, pet stores, and on Amazon.

Mr. Rinden inquired about the process of manufacturing the products. In response, Mrs. Rezende DioDato explained how they use baking soda, corn starch, wax and essential oils in a wax melter to make their all natural deodorant. The ingredient is melted at a temperature of approximately 150 degrees. Once melted, the wax is immediately poured into containers.

Mr. Rinden inquired about the administrative aspects of the business. In response, Mrs. Rezende DioDato noted that there are three (3) managing partners and one (1) non-managing partner. There are currently no employees as Mrs. Rezende DioDato and Mrs. Lawrence’s families currently assist in the operations of the business.

Mr. Koontz questioned whether any of the materials or ingredients used is flammable. Mrs. Lawrence replied no, with the exception of the wax if it were heated at a much higher degree than what is used by their business. She then noted that the wax melter is a standard size melter than uses 110 volts.

Mrs. Gray asked whether there is any oversight by the Food and Drug Administration (FDA). Mrs. Lawrence replied no, indicating that the business is too small for FDA review. Instead, they do comply with the requirements of the Environmental Protection Agency (EPA).

Mr. Eck inquired about the production time in producing the products. In response, Mrs. Lawrence explained that they usually work one-day a week manufacturing their products; however, during the winter months products are manufactured twice a week in an effort to get ready for the tick and mosquito season. While they anticipate that the size of the facility will be adequate for many years, Mrs. Rezende DioDato and Mrs. Lawrence agreed that if there is ever a significant demand for their products that they may have to source the manufacturing elsewhere or move the business.

Ms. Scheinman asked about anticipated retail sales from the facility. Mrs. Rezende DioDato replied no; stating that they would not want to compete with the local retailers that are or will be selling their products.

Mrs. Scheinman then inquired about deliveries to the facility. In response, Mrs. Lawrence explained that they utilize a warehouse in Concord for large deliveries. When products or materials are needed they will pick-up a box from the warehouse. Deliveries or pick-ups at the Maple Street facility will be done by UPS on a daily basis.

There was no one in the audience to offer public testimony.

Toni Gray, seconded by Jonathan Eck, motioned to **APPROVE** the application for Special Exception (#2016-09) as presented. Motion carried unanimously in favor (Gray, Koontz, Eck, Scheinman, and Rinden). The Applicant successful addressed all conditions to be granted a Special Exception as outlined in section XV of the Zoning Ordinance.

### **III. Review of the Zoning Board of Adjustment Minutes and Notice of Decision of August 2, 2016.**

Toni Gray, seconded by Charles Koontz, motioned to **APPROVE** the Minutes and Notice of Decision of August 2, 2016 as presented. With five members voting, three voted in favor (Gray, Koontz, and Rinden) and two voted in abstention (Eck and Scheinman).

### **IV. Other Business.**

- a) **Zoning Amendments for 2017 Annual Town Meeting:** Mrs. Robertson briefly reviewed potential zoning amendments to be brought before the Planning Board. The amendments will include, but are not limited to, the following:
1. Amendments that had been reviewed for the 2016 Annual Town Meeting, which were not placed on the ballot;
  2. Amendments to address new legislation concerning Accessory Dwelling Units;
  3. Amendments and re-adoption of the Growth Management and Innovative Land Use Control Ordinance, and
  4. Amendments to the Zoning Map as may be proposed by the Economic Development Committee.

### **V. Adjournment.**

Toni Gray, seconded by Charles Koontz, motioned to **ADJOURN** the meeting at 6:10 PM. Motion carried in the affirmative. The next regular scheduled meeting of the Hopkinton Zoning Board of Adjustment is at 5:30 PM on Wednesday, November 2, 2016, at the Hopkinton Town Hall.

Karen Robertson  
Planning Director