



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
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August 21, 2025

Joan M. Wordell, Town Clerk
Town of Hudson
78 Main Street
Hudson, MA 01749

**Re: Hudson Annual Town Meeting of May 5, 2025 -- Case # 11844
Warrant Articles # 23, 24, and 36 (Zoning)**

Dear Ms. Wordell:

Articles 23, 24, and 36 - We approve Articles 23, 24, and 36 adopted at the Hudson May 5, 2025 Annual Town Meeting.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute.

Very truly yours,
ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Director, Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(774) 214-4406

cc: Town Counsel John Richard Hucksam

A True Copy Attest

John Davis Brown

Constable
Process Server / Disinterested Person

Date 8/25/25

Submission * 2 + 3



TOWN OF HUDSON, MASSACHUSETTS

Office of the Town Clerk

Town Hall, Hudson, Massachusetts 01749
978-568-9615

Joan M. Wordell
Town Clerk

Jeffrey M. Malachowski
Assistant Town Clerk

At the Annual Town Meeting of the legal voters of the Town of Hudson, duly called and warned, and held at Hudson High School Auditorium, **Monday, May 5, 2025** at 7:30PM with a quorum present, under Article 23 of the Warrant calling said meeting, which was as follows:

ARTICLE 23 Amend General By-Laws: Change Executive Assistant to Town Manager

To see if the Town will vote to amend all applicable provisions of the Town of Hudson General By-laws thereby changing all references from "Office of the Executive Assistant" to "Office of the Town Manager" and all references from "Executive Assistant" to "Town Manager" or to take any other action relative thereto.

THE FOLLOWING ACTION WAS TAKEN:

VOTED BY A MAJORITY the subject matter of this article.

A True Copy
ATTEST: May 21, 2025

Joan M Wordell

Town Clerk



TOWN OF HUDSON, MASSACHUSETTS

Office of the Town Clerk

Town Hall, Hudson, Massachusetts 01749
978-568-9615

Joan M. Wordell
Town Clerk

Jeffrey M. Malachowski
Assistant Town Clerk

At the Annual Town Meeting of the legal voters of the Town of Hudson, duly called and warned, and held at Hudson High School Auditorium, **Monday, May 5, 2025** at 7:30PM with a quorum present, under **Article 24** of the Warrant calling said meeting, which was as follows:

ARTICLE 24 Amend General By-Laws: Non-Recyclable Plastic Reduction

To see if the Town will vote to amend the General By-Laws as follows, or take any other action relative thereto:

1. By establishing a new Article XIII, entitled "Non-Recyclable Plastic Reduction By-Law," to read as follows:

ARTICLE XIII NON-RECYCLABLE PLASTIC REDUCTION BY-LAW

Section 1. Statement of Purpose

1.1 For purposes of this By-Law, certain words and phrases appear in capitalized form. These capitalized words and phrases are defined in Section 2. Unless the context indicates otherwise, each capitalized term shall have the meaning set forth therein.

1.2 Disposable Food Service Ware – such as takeout containers, Utensils; straws, and trays – made of Foam Polystyrene, solid polystyrene, and black solid plastics can have a detrimental effect on the environment and pose potential health hazards;

1.3 Foam Polystyrene, black solid polystyrene, and disposable Black Plastic Utensils are not Biodegradable, Compostable, or recyclable in the Town of Hudson;

1.4 It is the intent of the Town of Hudson, acting through its Board of Health, to eliminate the use of foam polystyrene, black solid polystyrene, and Black Plastic in Food Service Ware and packaging by all Food and retail Establishments within the Town by January 1, 2026. This By-Law further seeks to promote the use of less toxic, more durable, reusable, recyclable, Biodegradable, and/or Compostable alternatives.

Section 2. Definitions

For the purpose of this By-Law, the following words shall have the following meanings:

- 2.1 **Black Plastic:** Food Service Ware that is primarily black in color (i.e. having a reflectance value of less than 6% in the visible spectrum (400-700 nm)) that is typically used by food service establishments for takeout food orders and for consumers to take home food left over when dining in.
- 2.2 **Compostable and Biodegradable:** Any product that is not made from synthetic polymers, but solely from plant-based materials such as wood, bamboo, paper, or other plant products.
- 2.3 **Disposable Food Service Ware:** Includes: a) Food Service Ware made from Foam Polystyrene or black plastic that is primarily for single-use and is not meant to be adequately and repeatedly cleaned and sanitized for reuse. This includes any polystyrene or Black Plastic containers used by Food Establishments to heat, cook, or store food or beverages prior to serving, regardless of whether such containers are used to serve such food or beverages; and b) Disposable Plastic Utensils.
- 2.4 **Disposable Plastic Utensil:** Any Utensil that is made predominantly from synthetic polymers and is not a Reusable Utensil.
- 2.5 **Expanded Polystyrene (EPS) or Extruded Polystyrene (XPS):** Forms of polystyrene. Extruded polystyrene is also referred to as "rigid polystyrene." "Styrofoam" is a Dow Chemical Co. trademarked form of extruded polystyrene and is commonly used to refer to Foam Polystyrene. These are generally used to make insulated cups, bowls, trays, clamshell containers, meat trays, foam Packing Materials and egg cartons. The products are sometimes identified by a #6 resin code on the bottom. Polystyrene may be dyed with black carbon or other coloration.
- 2.6 **Foam Polystyrene:** A non-biodegradable petrochemical thermoplastic made from aerated forms of polystyrene and includes several methods of manufacture.
- 2.7 **Food Establishment:** An operation that stores, prepares, packages, serves, and vends food directly to the consumer, or otherwise provides food for human consumption and/or use on or off the premises, whether or not a fee is charged, but not including the service of food within a home or other private setting. Any facility requiring a food permit in accordance with the Massachusetts State Food Code, 105 CMR 590.000, et seq. and/or regulations of the Hudson Board of Health shall be considered a "food establishment" for purposes of this By-Law.
- 2.8 **Food Service Ware:** Includes a) products for heating, storing, packaging, serving, consuming or transporting prepared or ready-to-consume food or beverages including, but not limited to, bowls, plates, trays, cartons, cups, lids, and hinged or lidded containers. This includes any containers used by Food Establishments to heat, cook, or store food or

beverages prior to serving, regardless of whether such containers are used to serve such food or beverages; and (b) Utensils.

2.9 Health Agent: A Hudson Board of Health member or their designee(s).

2.10 Packing Material: Material used to hold, cushion or protect items packed in a container for shipping transport or storage.

2.11 Prepared Food: Food or beverages, which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared (collectively "prepared") for individual customers or consumers. Prepared Food does not include raw eggs or raw, butchered meats, fish, seafood and/or poultry.

2.12 Retail Establishment: Any business facility that sells goods directly to the consumer, whether or not for profit.

2.13 Reusable Utensil: A Utensil that is: (a) manufactured from durable materials; (b) is not Disposable Food Service Ware; and (c) is designed to be adequately and repeatedly cleaned and sanitized for reuse.

2.14 Utensil: Any implement, tool, product, object, container, or device, whether reusable or disposable, designed, used, or intended for preparing, handling, serving, or consuming food or beverages, regardless of material composition.

Section 3. Regulated Conduct

3.1. After January 1, 2026, Food Establishments in the Town of Hudson may not:

- a. use, sell, or otherwise distribute Disposable Food Service Ware; or
- b. provide a Disposable Plastic Utensil or single-use condiment container to a customer, except upon that customer's specific request for such items or if the item is selected by a customer from a self-service dispenser.

3.2. After January 1, 2026, Retail Establishments in the Town of Hudson may not sell, offer for sale, or otherwise distribute:

- a. Disposable Food Service Ware made from Foam Polystyrene or Black Plastic; or
- b. meat trays, fish trays, seafood trays, vegetable trays, or egg cartons made in whole or in any part with Foam Polystyrene or solid Black Plastic.

3.3. After January 1, 2026, Retail Establishments in the Town of Hudson greater than 10,000 square feet may not sell Disposable Plastic Utensils unless equivalent non-plastic or reusable Utensils are available for sale and are clearly labeled such that any customer can easily distinguish among the single-use plastic, disposable non-plastic, and reusable items.

3.4. After January 1, 2026, Retail Establishments in the Town of Hudson may **not** sell or offer for sale Packing Materials, including packing peanuts, made from Foam Polystyrene. However, this does not preclude or prevent:

- a. reusing Packing Materials for shipping, transport or storage within the same business or distribution system as long as those Packing Materials are only sent to customers or end users as dunnage and not as a product for sale; or
- b. receiving shipments within the Town of Hudson that include Foam Polystyrene used as a Packing Material, provided that the goods were not packaged or repackaged within the Town of Hudson.

Section 4. Exemptions

4.1. Nothing in this By-Law shall prohibit individuals from using Disposable Food Service Ware that has been purchased outside the Town of Hudson for personal use.

4.2. Nothing in this By-Law shall prohibit individuals from bringing and using their own personal Utensils of any type for personal use in a Food Establishment.

4.3. Prepared food packaged outside the Town of Hudson is exempt from the provisions of this By-Law, provided that it is sold or otherwise provided to the consumer in the same Disposable Food Service Ware in which it was originally packaged, and that the Prepared Food has not been altered or repackaged.

4.4. The Board of Health or Health Agent may exempt a Food Establishment or retail establishment from any provision of this By-Law for a period of up to six months upon written application by the owner or operator of that establishment. No exemption will be granted unless the Board of Health or Health Agent finds that (1) strict enforcement of the provision for which the exemption is sought would cause undue hardship*; or (2) the Food Establishment or Retail Establishment requires additional time to draw down an existing inventory of a specific item regulated by this By-Law.

4.5. Medical facilities, nursing homes, assisted living, and residential care facilities are **exempt** from this prohibition regarding plastic straws.

*For purposes of this By-Law, "undue hardship" shall mean a situation unique to a food establishment or retail establishment in which there are no reasonable alternatives to the use of materials prohibited by this By-Law, and that compliance with this By-Law would create significant economic hardship for the establishment.

Section 5. Enforcement and Penalties

5.1 Authority

The Town of Hudson Board of Health, and/or its designee, shall have the authority to enforce this By-Law and any regulations promulgated hereunder. The Town of Hudson may also enforce this By-Law and enjoin violations through any lawful process or combination of processes. The election of one remedy shall not preclude the Town or the Board of Health from pursuing any other lawful means of enforcement.

5.2 Penalties

- a. **Criminal Penalties.** Violations of this By-Law are punishable by a fine of three hundred dollars (\$300) per violation. Each successive fifteen (15) day period of non-compliance shall constitute a separate violation.
- b. **Non-Criminal Disposition.** As an alternative to criminal prosecution, violators of this By-Law may be penalized by the non-criminal method of disposition as provided by M.G.L. c. 40, § 21D and the Town's By-Law for Non-Criminal Disposition of Violations. In such instances, the Board of Health or its agent shall be the enforcing person, and any food or Retail Establishment found to be in violation of this By-Law shall be subject to the following penalties:

First Offense: Written Warning

Second Offense: Fifty-dollar (\$50) penalty

Third and Subsequent Offenses: Three hundred-dollar (\$300) penalty

Not more than one (1) fine shall be assessed within a fifteen (15) day period per Retail Establishment.

5.3 Regulations

The Board of Health may adopt, amend, or rescind rules and regulations as necessary to effectuate the purposes of this By-Law.

Section 6. Interaction with Other Laws

In the case of a conflict between the requirements of this By-Law and any other federal, state, or local law concerning the materials regulated herein, the more stringent requirements shall apply.

Section 7. Severability

If any provision of this By-Law is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

Section 8. Effective Date

This By-Law shall take effect on January 1, 2026.

2. By renumbering the existing "Article XIII," titled "Application and Penalties," as "Article XIV" (retaining the same title), and updating all references to such numbering wherever they appear- including, but not limited to, any Town regulations referencing Article XIII- to reflect its new number; and

Adding the following immediately following the last line of said renumbered Article XIV:

"Article XIII
Section 5.2 Non-Recyclable
Plastic Reduction By-law

written warning 1st offense
\$50 2nd offense
\$300 3rd offense and all
subsequent offenses

Duly authorized
agents of the Board
of Health

Executive Assistant
Board of Health

THE FOLLOWING ACTION WAS TAKEN:

VOTED BY A MAJORITY to adopt the subject matter of this article.

A True Copy

ATTEST: May 21, 2025

Joan M. Worsdell

Town Clerk



TOWN OF HUDSON, MASSACHUSETTS

Office of the Town Clerk

Town Hall, Hudson, Massachusetts 01749
978-568-9615

Joan M. Wordell
Town Clerk

Jeffrey M. Malachowski
Assistant Town Clerk

At the Annual Town Meeting of the legal voters of the Town of Hudson, duly called and warned, and held at Hudson High School Auditorium, **Monday, May 5, 2025** at 7:30PM with a quorum present, under Article 36 of the Warrant calling said meeting, which was as follows:

ARTICLE 36 Amend General By-Laws: Finance Committee Term of Office

To see if the Town will vote to amend the General Bylaws, Section 6.0, "Administrative Service Group," subsection 6.3, "Finance Committee," item "(a)", "Term of Office," by inserting the line in bold below:

Term of Office. There shall be a Finance Committee consisting of nine citizens of the town other than town officers and members of committees. Three members of said committee shall be appointed on July first of each year to serve for three years from date. Such committee shall be appointed by an appointing committee as set forth in Section 3.7(b) of the Home Rule Charter. Any member of said committee who shall be elected by ballot to any (other) town office shall forthwith upon his qualification to such office, and any member who shall remove from the town shall upon such removal, cease to be a member of said committee. **Members absent from three consecutive meetings may be deemed to have resigned and may be removed by a two-thirds vote of the other members present and voting.** Said committee shall choose its own officers.

THE FOLLOWING ACTION WAS TAKEN:

VOTED BY A MAJORITY to adopt the subject matter of this article.

A True Copy

ATTEST: May 21, 2025

Joan M Wordell
Town Clerk



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NOTICE

Claims of invalidity of the foregoing amendments to the Zoning By-Law, by reason of any defects in the procedure of adoption, may only be made within ninety (90) days of this posting.

Copies of amendments to the By-Laws may be examined and obtained at the office of the Town Clerk, 78 Main Street, Hudson, MA, 01749.