



# Hudson Planning Board

Town Hall

Hudson, Massachusetts 01749

## Minutes of Meeting – May 7, 2019

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The Hudson Planning Board met at the Town Hall, 78 Main Street, Hudson, Massachusetts. At 7:00 PM, Mr. D'Amelio called the meeting to order.

Present: Robert D'Amelio, Chairman; Rodney Frias; David Daigneault, and Steve Goldberg

Staff: Jack Hunter, Director

### **Public Hearing – 71 Parmenter Road – Definitive Subdivision**

Joe Peznola, Hancock Associates introduced the project to the Board. It is a two lot industrial subdivision located off of Parmenter Road. In the 1990's a subdivision was approved by the Planning Board but was never constructed. Currently there is a driveway, large antenna and several buildings on the lot. The proposal is to build a road along the driveway configuration and split the parcel into two lots, one for the antenna and the other where the current offices are to be sold and developed at some point.

Robert DiBenedeto also from Hancock associates then reviewed the plans regarding drainage; infrastructure and town department comments.

Mr. Hunter noted that a department head meeting was held on April 24, 2019 and all their comments are in the staff memo to the Board essentially stating there were few issues or concerns above and beyond some plan changes. In addition, Public Safety officials want permission to place a receiver on the existing antenna.

Mr. Norman, owner of the property stated that they are more than willing to accommodate their request.

Lastly, Mr. Hunter noted that Mike Scott, the Town's peer engineer could not attend this meeting and he will have his initial comments to the Board next week.

Mr. D'Amelio asked if there were any comments from the public.

Ms. Cook 73 Parmenter Road discussed the recent water quality issue and the closing of one of the Town's wells adjacent to this property. 51 Parmenter Road has been declared, by DEP a Tier 1 contamination site and in fact is located between the Town wells and the industrial use responsible for the contamination.



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She expressed concern that the studies state that this property in front of the Board is also in the defined area now contaminated. She stated that studies show that the contamination on 71 Parmenter are about 10 times greater than what was measures at the Town's wells prior to the initial discovery of the contamination.

Ms. Cook opined that absent of the CPC wanting to purchase this land it is time for some town official to show some leadership and set the tone in Hudson, to prevent Hudson from becoming a toxic dumping ground for its open space to be paved over.

In her opinion the development of 71 Parmenter, before the treatment at 51 Parmenter is dealt with, is a bad plan. She strongly urges the Board to vote no on this petition.

Next the Board focused on the actual issue before them, which is essentially to build a road.

Mr. Peznola added that if and when there would be a proposed development on the site it would need to come back to the Planning Board for site plan approval and then to the ZBA for a special permit in the water resource protection district. It would be at this juncture that issues regarding uses and contamination can be scrutinized.

Ms. Dunnell, 76 Parmenter Road also stated her concern about reported high levels of contamination to private wells and the soil. In addition, she stated DEP has cited contamination to the air, and the lot is full of contaminants.

She asked Vertical Bridge if anyone from the Town contacted them encouraging them to develop this parcel.

Mr. Norman stated no!

She next asked if the Town has a position on whether this is a good proposal?

Mr. D'Amelio responded that no one is disputing the fact that there is a perceived water problem here.

Ms. Dunnell stated she has a real concern that the Town, which let Boyd develop right next to the Towns wells, is now considering a two lot subdivision in between Boyd and the Towns wells.

Mr. D'Amelio noted that the developer owns the property and as long as he follows the rules of the Subdivision Control Law, this road can be built as of right.

Ms. Dunnell felt that it "boggled the mind" that a new roadway could be allowed.



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Mr. D'Amelio thought the Board should ask for a legal opinion about what discretion the Board has in regards to the contamination issue, specifically does the Planning Board have the authority to take into consideration the impact of potential future uses on the property before such uses are proposed.

Atty. Yates submitted to the Board a "Phase I initial Site Investigation report and Tier Classification submittal for 51 Parmenter Road" release tracking number 2-20439 Project number BR0451 dated January 2019 conducted by Geosyntec consultants.

Atty. Yates stated that the Board has a duty to protect the health, safety and welfare of the community and precedent has been set by prior boards to dedicating open space with projects.

He went on stating the levels of contamination as he referenced the Geosyntec 21E report.

Ms. Dunnell supported Atty. Yates comments.

Mr. Frias tried to explain that it was his opinion that other Boards negotiated the open space amenities Atty. Yates was referring to, not the Planning Board.

Atty. Yates added that he is familiar with the Town process.

Mr. Frias responded that it didn't sound like that to him.

Atty. Yates responded that that comment was uncalled for and wanted his objection in the record.

Mr. Frias continued by stating that when and if this property is developed the Town will scrutinize any development by hiring its own LSP engineers to make sure there are no adverse effects to the ground water and drinking water.

Atty. Yates noted that this land is a prime example of property the CPC should take into consideration for open space protection.

Mr. Hunter answered that he has brought this up to members of the CPC and he will pursue it further with the CPC.

Mr. Goldberg asked the developer that if this application was approved what was their next step.

Mr. Peznola answered to market the property.



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Mr. Goldberg feels we should expedite this application of the road widening so any development that is proposed can then be properly scrutinized by the LSP's and by the ZBA which has the ultimate authority in this matter.

Ms. Dunnell asked if there was a time constraint to the application.

Mr. Goldberg answered that there wasn't.

Mr. Frias asked for a copy of the previous order of conditions for this property and if the tower was non-conforming.

Mr. Peznola answered that it wasn't.

Mr. Hunter answered that he would get the Board the previous decision.

Atty. Yates urged the Board to get a legal opinion.

**Mr. D'Amelio moved to request a legal opinion on the following. Seconded by Mr. Frias 3-1 in favor (Mr. Goldberg dissenting)**

*"The Planning Board has a two lot, Definitive Industrial Subdivision (see attached) currently in front of it located at 71 Parmenter Road. A Preliminary Subdivision was submitted to the Board in November 2018 with no action taken.*

*The proposed subdivision is located primarily in the M6 Industrial Zone with a smaller portion in the SA8 Residential Zone. The entire parcel is in the Water Protection District and abuts the Cranberry Wells off of Parmenter Road.*

*During the initial Hearing there were several residents who express concern over the proximity of the proposed subdivision and the Cranberry Wells. They claim the entire area is contaminated due to the Boyd/Precision Coating issue the Town is now dealing with. They have submitted several environmental reports regarding this contamination and are demanding the Planning Board deny the application due to this issue.*

*The Board explained to them that this application is to build a road and has no bearing of what could or would be developed on the two parcels.*

*The Board is requesting a Legal Opinion on whether the Board has any discretion under the Hudson Subdivision Control Law (see attached) regarding the submitted information and testimony."*



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**Mr. Frias moved to continue the public hearing until June 18, 2019 at 7:00 PM. Seconded by Mr. Goldberg. 4-0-0. Unanimous**

### **Minor Modification - 7 South Street**

Chuck Randall, Randall Properties informed the Board that he is still trying to make this project work, but has been having difficulty making the numbers work. Therefore, he is asking to change the use of the proposed second floor from office to residential and to realign the proposed parking as outlined on the revised plans.

Glen Davis, Architect reviewed the revised drawings for the Board.

Members asked about where the parking was moved to.

Mr. Randall replied by showing his dedicated parking lot on South Street.

**Rodney Frias moved to approve the Minor Modification for 7 South Street, Seconded by Bob D'Amelio, 4-0-0 Unanimous.**

### **Minutes January 8, 2019**

**Rodney Frias moved to approve the minutes from the January 8, 2019 meeting. Seconded by David Daigneault. 4-0-0. In favor**

### **Minutes April 16, 2019**

**Steven Goldberg moved to approve the minutes from the April 16, 2019 meeting. Seconded by Rodney Frias. 3-0-1 in favor (Daigneault abstained).**

### **Adjournment**

**Chairman D'Amelio seconded by Rodney Frias moved to adjourn at 8:35PM. Vote: 4-0-0. Unanimous**

Cc: Town Clerk  
Department of Public Works  
Jeff Wood, Building Commissioner