



# Hudson Planning Board

Town Hall

Hudson, Massachusetts 01749

## Minutes of Meeting – February 16, 2021

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The Hudson Planning Board met virtually on a Zoom platform pursuant to the Remote Participation statute consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus."

At 7:00 PM, Mr. D'Amelio, Chair called the meeting to order.

Present: Bob D'Amelio, David Daigneault; Rodney Frias; Dirk Underwood; Darryl Filippi

Staff: Kristina Johnson, Acting Director of Planning and Community Development

Mr. D'Amelio stated the following: This Open Meeting of Hudson Planning Board is being conducted remotely, consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus."

### **Updated ANR Plan- 240-242 Washington Street**

Attorney Christopher Yates, Counsel for Marty Libby, screened shared the ANR plan and noted that it has not changed by operation of State Statute. Attorney Yates noted that that plan had been updated to remove the temporary easement for the Route 85 improvement project that had been extinguish and to add the drainage and sewer easements as shown on the site plan for gas station redevelopment project.

Chairman D'Amelio inquired whether the Board had to take a vote to accept the updated ANR plan. Ms. Johnson stated that no action is required by the Board, as by operation of MGL Chapter 41 Section 81-P, the ANR plan for 240-242 Washington Street presented to the Board on February 2, 2021 has been constructively endorsed, as the 21-days will have lapsed since the applicant gave written notice to the Town that the ANR has been submitted. Ms. Johnson further explained that the ANR plan is simply the instrument to inform the Registry of Deeds that the proposed division or land (or in this case combining of two parcels into one) is not considered a subdivision and meets the minimum frontage requirements.

### **Public Hearing- 240-242 Washington Street (continued)**

Chairman D'Amelio reconvened the public hearing for the above-referenced project, which entails the consideration of the application of Global Montello Group Corporation for Site Plan Approval to construct a motor vehicle service station and convenience store located at 240 and 242 Washington Street, shown on Hudson Assessors' Map 52, Lots 80 & 81. Said property is located within the C 12 Commercial Zoning District.



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Attorney Paul Giannetti reiterated Attorney Yates' comments relative to the temporary easements being removed and the new easements being shown on both the site plan and the ANR plan. Attorney Giannetti noted that the ANR plan will serve as the basis for the grant of easements for the sewer and water lines on the property.

Zack Poisson, project manager from Bohler Engineering provided an update on the revisions to the site plan. Mr. Poisson noted that the only revision to the site plan is an updated design for the ADA crossing at the slip lane, which was a result of several meetings with the Director of Public Works and the Planning Board's traffic consultant. Mr. Poisson stated what is being shown on the site plans is an acceptable design to the Town and meets all ADA and engineering standards.

Chairman D'Amelio inquired with the Board to see if members had any further comments or questions.

Dirk Underwood stated he was satisfied and had no questions or comments.

David Daigneault inquired about the ADA tips downs, as there were some questions raised at the previous meeting. Mr. Poisson confirmed that the ADA crossing and the tip downs conform to all ADA standards engineering design standards. Mr. Daigneault has no further questions or comments.

Chairman D'Amelio mentioned that the Board had some questions regarding the look and the dimensions of the pylon signage. Ms. Johnson apologized for not sending along the digital specifications of the signage. Mr. Poisson screened shared the images of the signs and discussed the dimensions and the look of the signs. Chairman D'Amelio inquired about the height of the other commercial signs along Route 85 (Washington Street) and noted that the Town's Zoning By-laws do not contain detailed sign regulations. Ms. Johnson confirmed that the maximum height allowed by the Zoning By-laws in a commercial district is 20 feet. Darryl Filippi noted that during the Route 85 improvement project, the Town was exploring the idea of having all of the commercial signs lowered throughout the corridor. Ms. Johnson noted that the plans, nor any regulations came to fruition.

Mr. Poisson stated that Global would investigate the feasibility of reducing the height of the commercial signs. He noted that the proposed signs meet the 20-foot height requirement and the setback requirement of 10-feet.

Chairman D'Amelio stated his belief that the Board seems to be satisfied with all aspects of the site plan and recommended closing the public hearing.

Attorney Michael Khoury, attorney for Zissler Investments (property owner) asked the Chairman if he could have the floor and speak one final time. Attorney Khoury reiterated his client's position that the Board should take into consideration the future access needs of the vacant parcel, and noted that it is incorrect to assume the parcel is undevelopable. Attorney Khoury



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noted that his client submitted an ANR plan on March 2, 2021, which now creates three (3) residential lots, and that the proposed changes to the Route 85 roundabout would cause substantial damages to the residential lots. Attorney Khoury further emphasized that the proposed Route 85 roundabout restriping plan would cause substantial damage and limitation to develop the parcel in the future, and that it was unfair for these limitations to be imposed upon the property owner.

Ms. Johnson noted that the ANR plan is not on the agenda and that the Board can not entertain any discussions relative thereto.

Attorney Giannetti also reiterated that the ANR plan is not the agenda for the meeting and should not be discussed, and clarified remarks regarding the developability of the parcel. Attorney Giannetti stated that remarks were made at the prior meeting that the lot has significant development constraints, but that it's not undevelopable. Attorney Giannetti also stated that it is incumbent on the property owner to deal with existing conditions once there is a proposal to develop the parcel; however, he noted there is no development proposal for that parcel.

Attorney Khoury stated that future development of this parcel is not some abstract idea and noted that ANR plan that has been filed creates three(3) residential lots, that will be cut off by the proposed roundabout restriping plan. He further stated that the Town of Hudson is favoring one development proposal over another.

Attorney Christopher Yates, attorney for the property owner at 240-242 Washington Street concurred with Attorney Giannetti's clarification about the developability of the vacant parcel across the street. Attorney Yates stated that the property owner will have the same opportunity and have the same request placed upon them when a development proposal is advanced. Attorney Yates also stated his belief that most likely it will be a commercial development that will be advanced on the vacant parcel, which will require a zoning change. Attorney Yates stated his belief that the filing of ANR plan at the very end of this process is in bad faith, and would compel him, as one member of the Town, to vote against any future zoning change at Town Meeting.

Rodney Frias stated that the site plan before them has been reviewed and scrutinized, and the Board is about to take a vote. Mr. Frias noted that any future development plan for the vacant parcel will enjoy the same level of review and scrutiny by the Board, and the property owners can then make the necessary changes to make their lot viable for development.

Attorney Giannetti noted that the applicant had to address access-related issues to the roundabout with the Town and the Planning Board's peer review consultant. He noted that during the review process, there were several iterations of the site plan and access to the roundabout developed along the way. He noted that what is being proposed has been agreed to by the Town Departments and the Planning Board's site/civil and traffic peer review consultants.



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Chairman D'Amelio noted his belief that the access to the site and the proposed restriping of the Roundabout is the safest it can be, if not better than the existing conditions. Chairman D'Amelio stated that the Board will take the same review approach when there is a development proposal being advanced.

Chairman D'Amelio moved to closed the public hearing for 240-242 Washington Street. Seconded by Rodney Frias. By roll call vote: Mr. Daigneault, yes; Mr. Underwood, yes; Mr. Frias, yes; Mr. D'Amelio, yes; Mr. Filippi, yes. 5-0-0

Chairman D'Amelio stated that he was satisfied with the conditions for the site plan and noted that DPW Director carefully developed the conditions relative to the Roundabout restriping.

Chairman D'Amelio called for a motion to approve the site plan for 240-242 Washington Street with the standard conditions and the special conditions.

David Daigneault seconded by Rodney Frias moved to approve the site 240-242 Washington Street with the standard conditions and special conditions. By roll call vote: Mr. Daigneault, yes; Mr. Underwood, yes; Mr. Frias, yes; Mr. D'Amelio, yes; Mr. Filippi, yes. 5-0-0

### **Minutes- January 19, 2021**

David Daigneault seconded by Daryl Filippi moved to accept the meeting minutes of the January 19, 2021 meeting. By roll call vote: Mr. Daigneault, yes; Mr. Underwood, yes; Mr. Frias, yes; Mr. D'Amelio, yes; Mr. Filippi, yes. 5-0-0

### **Adjournment**

Chairman D'Amelio moved to adjourn the meeting at 7:50 PM. Seconded by Mr. Daigneault. By roll call vote: Mr. Daigneault, yes; Mr. Underwood, yes; Mr. Frias, yes; Mr. D'Amelio, yes; Mr. Filippi, yes. 5-0-0

Cc: Town Clerk